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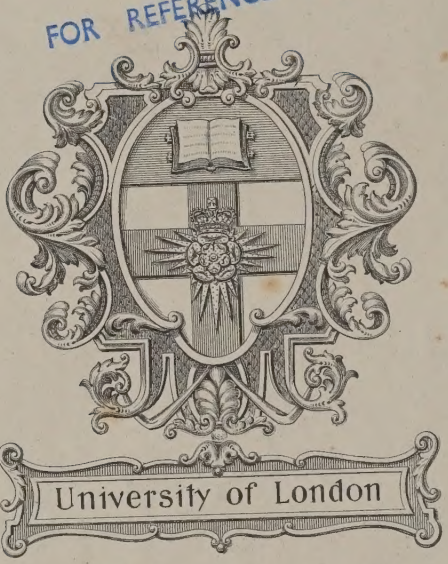

REPORTS

FROM

COMMITTEES:

SIXTEEN VOLUMES.

—

—*(2.)*—

ARMY (COLONIES); CONSULS;

MILITIA; GENERAL DARLING.

Session

19 *February*——10 *September* 1835.

VOL. VI.

1835.

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1835.

SIXTEEN VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIAL MILITARY EXPENDITURE;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND AN APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
4 *August* 1835.

Mercurii, 4° die Martii, 1835.

Ordered, THAT a Select Committee be appointed to consider the Military Establishments and Expenditure of the British Empire in the Colonies, in completion of the Inquiry which was commenced in the last Session of the last Parliament, and to report their Observations thereupon to The House.

And a Committee was appointed, of—

Mr. William Gladstone.	Mr. Shaw Lefevre.
Lord Viscount Ebrington.	Captain Gordon.
Lord Stanley.	Lord George Bentinck.
Sir Henry Hardinge.	Sir Charles D'Albiac.
Mr. Spring Rice.	Colonel Grey.
Mr. Herries.	Mr. Gisborne.
Mr. Ellice.	Major Fancourt.
Sir Rufane Donkin.	Sir Harry Verney.
Mr. Hume.	Mr. Grote.
Sir John Byng.	Colonel Evans.
Sir Henry Parnell.	Colonel Leith Hay.
The Earl of Darlington.	Mr. Robert Gordon.
Colonel Fox.	Mr. Bonham.

Ordered, That the Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

Mercurii, 18° die Martii, 1835.

Ordered, THAT Mr. Grote be discharged from any further attendance on the Committee; and Mr. Guest be added to the Committee.

Veneris, 22° die Maii, 1835.

Ordered, That Sir George Grey be added to the Committee.

Veneris, 3° die Julii, 1835.

Ordered, That Sir Rufane Donkin, Colonel Leith Hay, Mr. Leader, Mr. Hindley, Colonel Verner, Captain Berkeley, Mr. Talbot, Mr. Chalmers and Mr. George Byng, be added to the Committee.

Martis, 4° die Augusti, 1835.

Ordered, THAT the Committee have power to report their Opinion, together with the Minutes of the Evidence taken before them.

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REPORT.

THE SELECT COMMITTEE appointed to consider the MILITARY ESTABLISHMENTS and EXPENDITURE of the BRITISH EMPIRE in the COLONIES, in completion of the Inquiry which was commenced in the last Session of the last Parliament, and who were empowered to report their Opinion thereupon, together with the MINUTES OF THE EVIDENCE taken before them to The House;——HAVE considered the Matters to them referred, and agreed to the following RESOLUTIONS:

1. RESOLVED:

THAT it appears to this Committee that the Numbers of Rank and File in New South Wales and Van Diemen's Land, varied in amount from 572 in 1816 to 722 in 1820; from 1,002 in 1821 to 1,200 in 1825; and from 1,569 in 1826 to 2,133 in 1834. The Committee consider that the peculiar circumstances, frequently changing in the Distribution and Penal Discipline of Convicts in these Colonies, justify them in declining to offer any suggestion respecting the exact Amount of Military Force or Staff to be there maintained. The Government alone are competent to decide on the necessary Establishment.

2. RESOLVED:

That the Committee have no suggestions to offer relative to Reductions in the Amount of Force maintained in the North American Provinces.

3. RESOLVED:

That the Committee have pursued their Inquiries into the Accounts of the Commissariat, the Ordnance and Barrack Establishments in the Colonies. They are of opinion, that important Reductions may be made in many of these Establishments without detriment to the Public Service; but consider, that before recommending particular Alterations or Reductions, reference should be had to the nature and extent of the several Duties of each Department, and how far the same may be consolidated or abolished; and, that as a full Inquiry for this purpose cannot be made by this Committee, they recommend that the Government should forthwith institute the requisite examination.

4. RESOLVED:

That the Committee are of opinion from the Evidence taken, and to which they refer, that the Indian Department may be greatly reduced, if not entirely abolished, and they therefore call the attention of The House to the same; and also to the expenses of articles annually distributed to the Indians, and whether any arrangement may not be made to dispense with such distribution in future, or to commute the presents for money.

5. RESOLVED:

That the advanced period of the Session renders it inexpedient for the Committee to inquire into the Establishments of the Mauritius or the West Indies; that it be recommended to the Government to cause inquiries to be made on the following points:

The comparative casualties of Troops in those Colonies for the last seven years, with remarks on the effects of climates, and the results that have followed the change of stations, with reference to health.

The propriety of substituting native corps, or corps partly composed of the inhabitants of the Mediterranean Colonies for British Troops, with reference to health, efficiency and expense.

4 *August* 1835.

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MINUTES OF EVIDENCE.

Jovis, 19° *die Martii*, 1835.

SIR JOHN BYNG, IN THE CHAIR.

Robert William Hay, Esq., called in; and Examined.

Robert Wm. Hay, Esq.

19 March 1835.

1. YOU are Under Secretary of State of the Colonies, are you not?—I am.

2. Will you inform the Committee what steps have been taken by the Government to carry into effect the recommendations of the Committee on Colonial Military Expenditure?—The Committee are aware that the greater part of these recommendations relate to prospective reductions, which apply, in most instances, to distant quarters of the world. All that could be done, therefore, in most cases, was to send out provisional instructions, and I understand the Treasury have recently issued a Minute calling the attention of the departments under their control, to the Resolutions which relate to the different branches of the public service. As far as relates to the department of the Secretary of State, I may state to the Committee, taking the Resolutions in the order in which they stand, that with reference to the Fifth, an arrangement has been made at Gibraltar, which, although not precisely enjoined, yet is in the spirit of this Resolution. The inspector of health has recently come home in a state of health which renders it unlikely he will be able to return, and the lieutenant-governor has been instructed, in case of a vacancy occurring, to revert to the former practice, by which the charge of inspecting the quarantine was left to the senior medical officer of the garrison. By the Ninth Resolution it is recommended, that the present amount of force in the Ionian Islands should be diminished by one regiment, whenever the military defences of Corfu should be completed. I have to state on this point, that since the last meeting of this Committee an engineer officer of experience and great local knowledge has been sent out to Corfu to report upon the extent to which the military works there ought to be carried, and on the amount of the future expense: that report is now under the consideration of the Government. But in the meantime it may be right that I should inform the Committee, as it is a measure which will advance the object which their Resolution had in view, that the Lord High Commissioner who is going out to the Ionian Islands has been instructed to organize an Ionian battalion in the islands: into the details of the scheme I cannot enter, because the measure has only very recently been decided upon; of course it will not have the effect of facilitating any immediate reduction of the forces in that quarter. With regard to the Tenth Resolution, I presume it is known to the Committee that Major-general Sir Howard Douglas, who is going out to the Ionian Islands as Lord High Commissioner, has also been appointed to the command of the troops. The staff in that quarter is also to be reduced to the scale recommended by the Committee. In conformity with the object aimed at in the Thirteenth Resolution of the Committee, a proposition was last year made to the Ionian government to commute for a given sum the various charges which they have paid hitherto under different heads for the military protection of the islands. The agreement by which this commutation is to be effected, has not as yet been finally concluded, but the sum to be paid by the Ionian government will probably

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19 March 1835.

probably be 35,000 *l.* a year, and its appropriation be brought annually under the revision of Parliament. With regard to the Twentieth Resolution, it is right that I should observe, that at the time when the Committee last sat it depended upon the result of a reference to the island whether a regiment could not be dispensed with from Ceylon. It has been found impossible to reduce the force; for, independent of the ordinary duties of the island, a degree of discontent has been created among some classes in the island by the abolition of forced labour, which made it inexpedient to withdraw any part of the force. I am not aware that there are any other points adverted to in the Resolutions upon which I have anything further to state.

3. What is the order in which it is proposed to examine the Returns which have been prepared for the Committee?—It would be most convenient to the Colonial Office, and would not, I apprehend, be otherwise to the Committee, that the colonies should be taken in the following order: in the first instance, the Australian provinces; from thence to proceed to the North American, and then to conclude with the West Indies and the Mauritius. The Returns are all to be found in the Appendix to the Report of the Committee, and of course it will be for the Committee to suggest, should any additional Returns be wanted.

4. Be good enough to inform the Committee the names of the governors, former and present, their salaries and emoluments?—Captain Phillip was the first governor of New South Wales, who went out in 1788, and who appears to have enjoyed a salary of 1,000 *l.* a year; to him succeeded Captain Hunter, with a salary of 1,800 *l.* a year; the next governor was Captain King, appointed in 1806, with a salary of 2,000 *l.* a year; Captain Bligh was the next, enjoying the same salary; to him succeeded Colonel M'Quarrie, in 1810, who enjoyed the same salary, with appointments on the staff, amounting to above 1,000 *l.* a year; the next governor was Sir Thomas Brisbane, appointed in 1821, whose salary did not exceed 2,000 *l.* a year in the outset, but who was also appointed major-general on the staff; his salary was increased in the year 1824 to 2,500 *l.*, with an additional salary from the Colonial Fund, making in the whole 4,891 *l.*; to him succeeded General Darling, in 1825, whose pay and emoluments altogether amounted to 5,363 *l.*; and when General Bourke, the present governor, went out, his salary was fixed at 5,000 *l.* per annum, without any other emoluments whatsoever.

5. Has the governor a house provided for him?—There is a government-house in Sydney, but it has been for some years past in such a dilapidated state, that the governor has been obliged to reside at Paramatta, which is 16 miles distant from Sydney. General Darling went out to New South Wales in 1825; he was empowered to take measures for repairing this house, or to build a new one; but it appeared to him that other public buildings were more urgently required, and they were undertaken in preference; he residing out of the town. Since General Bourke went out, it has been decided that the government-house shall be commenced, for the building of which, necessary estimates have been sent home, and agreed upon by the Treasury, the funds arising from the sale of land in the town. The governor will then give up the residence at Paramatta, and be confined to one house in town.

6. Has not the governor also 292 *l.* a year, unattached pay?—Yes, he has.

7. Then the arrangement that he is to have 5,000 *l.* a year for his allowance, does not exclude his unattached pay as a general officer?—No; in no case.

8. You do not consider, then, that the arrangement has been departed from?—In no degree.

9. How is the rent of the house at Paramatta paid for?—It is Government property, and will be disposed of for public purposes.

10. Now, will you answer the same question with respect to the governors of Van Diemen's Land?—The first lieutenant-governor was Colonel Collins, who was appointed in the year 1804, with a salary of 450 *l.* a year. Colonel Collins died in 1810, and was succeeded by Lieutenant Lord, Captain Murray, Colonel Greils, until Lieut.-Col. Davey assumed the government in 1813. During the greater part of this period, a salary of 450 *l.* per annum was also provided on the Parliamentary Estimates, for another lieutenant-governor at Port Dalrymple, on the northern side of the island. Colonel Sorel was appointed governor in 1817, with a salary of 800 *l.* a year, which in January 1823, was raised to 1,500 *l.*, and in 1824 to 2,500 *l.* Colonel Arthur, the present governor, was appointed in 1824, with a salary of 1,500 *l.*, which in 1825, was raised to 2,500 *l.*, which is his present salary. Colonel Arthur enjoys no other emolument, except an allowance

in

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in lieu of forage for three horses, and provisions in kind, and an allowance of fuel and light. I have thus given the list of the governors of Van Diemen's Land.

11. By the Returns of the effective force in the Australian provinces in 1833, it appears that the total was 2,107, which is 303 less than the preceding year?—It is so.

12. Can you account for that diminution?—The amount of troops in the Australian provinces is subject to fluctuation, as from thence, at certain periods, the embarkation of a regiment for India takes place.

13. Since these Returns were printed, an additional force has been applied for, and has been given to New South Wales; can you state the reason for that?—On his arrival in the colony, General Bourke made such earnest representations to the Secretary of State, as to the necessity of an increased force, that in December 1833 it was decided to send out another regiment, and the 50th has accordingly been dispatched there by successive detachments. The whole amount of the force in the Australian provinces is about 2,864 men.

14. That includes the whole?—Yes; I apprehend the whole regiment has by this time reached the colony.

15. Can you give any information to the Committee respecting the force which is settled as the body-guard at Sydney?—The governor's body-guard was instituted by Capt. King in 1809, and consisted originally of seven soldiers, who were taken from the ordinary military force on the spot, to whom was granted the difference between their regimental pay and the pay of dragoons; this increased pay and the expense of their clothing being charged upon the colonial revenue. The Secretary of State, at a later period, objected to this guard, and he was induced to allow its continuance upon the representation that a certain number of mounted men was necessary as expresses, and to attend the governor upon his journies into the interior; and General Bourke was instructed, when he went out in 1831, to consider the propriety of reducing the governor's body-guard, and his attention was called to the subject by the late Secretary of State. It appears, however, by a despatch which was received in December last from General Bourke, that he had taken measures for abolishing the body-guard, and for substituting mounted orderlies in lieu of that force; but as it appears that this arrangement will not be attended with any economy, instructions have been sent out to General Bourke to get rid of that force altogether.

16. The mounted orderlies?—Yes; which have been employed as substitutes for the governor's body-guard.

17. What is the amount of the governor's body-guard?—At one period it amounted to 12 men and two serjeants, at an expense of 430 *l.* a year.

18. What was the amount in the year 1834?—The expense of the mounted orderlies, we find by the last accounts to amount to 459 *l.*

19. The amount of force which you have stated, includes the troops at Van Diemen's Land and Swan River also, does it?—It has done so hitherto, but it is now intended, the troops which will be required for the service of Swan River should be detached from St. Helena, to which island a regiment is to be dispatched in the course of a very short time.

20. General Bourke reported that he had not sufficient force to send the troops from Swan River to New South Wales, did he not?—He did so; but Colonel Arthur felt more immediately the inconvenience arising from that, because the Swan River detachment was sent from Van Diemen's Land, and the communication between those points is very unfrequent and difficult to accomplish.

21. Can the actual distribution of the troops be furnished to the Committee?—Yes, up to the 1st of May 1834.

22. What penal settlements are now kept up in our Australian colonies?—They have been reduced to two; namely, Norfolk Island, and what is called Taslam Peninsula, in Van Diemen's Land.

23. The amount of force for New South Wales has always been of the same description of troops, regular troops, has it?—Yes, with the exception that, on two occasions, veteran companies were raised for that particular service, but they have not been found to answer, and have been disbanded.

24. What is the mounted police at New South Wales?—The mounted police was originally established by Sir Thomas Brisbane, to check the outrages of the bush-rangers; the police force is necessarily very large, and is paid by the colony.

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19 March 1835.

25. What is the amount of the force?—They were increased by General Darling to 100 men.

26. There is no force of that description in Van Diemen's Land at all, is there?—There is no mounted police in that island.

27. What is the amount of the colonial revenue of New South Wales and Van Diemen's Land?—The average in New South Wales is 130,000 *l.* a year, and that of Van Diemen's Land about 80,000*l.* a year.

28. Is that the gross amount or the net amount?—The net revenue.

29. Is there any militia?—There is none; the project of raising a corps was suggested some years ago, and the governor was directed to report upon the practicability of the scheme; but the settlers were stated to be so unwilling to leave their farms, in consequence of the convict population, that the scheme went no further.

30. Is there any government debt in either of the colonies?—None whatever.

31. Are troops regularly sent out with the convicts?—The force is kept up by occasional detachments in each convict ship.

32. Will you state to the Committee the population of New South Wales?—The population of New South Wales is upwards of 60,000, of which more than 24,000 are convicts, according to the last census in 1833. In Van Diemen's Land there has been no census since 1830; the population of that island is upwards of 30,000, of which more than 12,000 are convicts.

33. Do you conceive the increase to have been very considerable in Van Diemen's Land since?—I should think so; the number of emigrants has been considerable in both colonies.

34. Has the number of convicts, according to your belief, increased or decreased, having relation to the entire population?—It has increased by a late regulation, by which the hulks system has been abolished.

35. So as to occasion a more rapid increase in the convict population than in the other portion of the population?—Yes.

36. That new regulation with respect to the hulks has not operated, with respect to the two numbers you have given, has it?—No; it has no reference to those Returns, because neither Return is later than 1833.

37. Can you inform the Committee what is the number of emigrants that have been sent out by the Government, of late years?—The number of persons who have been sent out since the formation of the Emigration Commission, in the year 1831, upon loan, is 3,460, and of unmarried females, sent out by the Government, 2,115 for the same period.

38. That is generally to New South Wales and Van Diemen's Land, is it?—To the Australian provinces: the Custom-house Returns for the years 1833 and 1834 make a total of 6,893, but from that must be deducted some portion of the first class whom I have mentioned; those that go out in Government vessels are not reckoned in the Custom-house Returns.

39. With reference to the amount of the commissariat force, do they not provide for the convicts as well as the troops?—They have to provide for the maintenance of the convicts also.

40. Is there any medical staff establishment?—No, there is not.

41. Is there any ordnance establishment?—No; but it is proposed shortly to send out an ordnance officer to take care of the public buildings. The late Board of Treasury suggested that 25,000 *l.* per annum should be taken from the colonial revenue of New South Wales, and 12,000 *l.* per annum from that of Van Diemen's Land, to assist in defraying the charges connected with the convict establishment, of which the chief are the police, the gaols and other similar public buildings, and the colonial marine, which is employed in conveying convicts from one part of the coast to another.

42. Is there any increase or decrease of the staff contemplated at the Colonial-office, in New South Wales? There are no staff appointments there which would admit of reduction

Lieutenant-General *Ralph Darling*, called in; and Examined.

Lieut.-Gen. *Ralph Darling.*

43. THE Committee understand that you have lately held the government of New South Wales?—Yes; I was relieved at the end of the year 1831; I left on the 22d of October 1831.

44. How many years did you hold that government?—Very nearly six years; within two months of that period.

45. Do

Lieut.-Gen. *Ralph Darling.*

19 March 1835.

45. Do you remember what was the amount of regular force at the period at which you left the colony?—I have got a statement here; I think the garrison of New South Wales consisted of about 1,300 men, rank and file. The military command extended also to Van Diemen's Land.

46. Are they not the same government?—No; I had a distinct commission, as governor, for each.

47. Do you consider, at the time when you came away, that the force then was sufficient, and as large as was required?—No, it certainly was not.

48. Had you applied for an increase?—No, I had not; but the Lieutenant-governor of Van Diemen's Land had applied repeatedly; and I received an intimation from home, signifying, that it would occasion great inconvenience the sending additional troops, and desiring that I would assist him, as far as I could, and I did so; for on one occasion, when he was obliged to take the field, in consequence of an irruption of the natives, I sent him a large detachment from my own garrison.

49. The force, during the period that you held the government, varied from time to time, did it not?—It must have done so, from the nature of circumstances in New South Wales.

50. You went to New South Wales in the year 1824, did you not?—No; I arrived there in December 1825.

51. By a Return now before the Committee, the number of troops in the year 1825 appears to have been 1,280, and when you quitted it, which was in the year 1831, it appears to have amounted to 2,568?—I think that must be a mistake.

52. Can you explain the distribution of the troops, so as to make out the difference between the number of 1,280 and 2,568, which appears in the Return before the Committee?—It appears that 2,568 was the number on the 1st January 1831; but the 57th regiment was then under orders, and had proceeded to India before I left New South Wales, which was the end of October 1831. According to the Memorandum which I have here, there were 2,049 altogether, when I left the command; 746, rank and file, of that number being stationed at Van Diemen's Land. This appears by the Memorandum which I took from a Return yesterday at the Adjutant-general's office.

53. That was the last year you were there, was it?—It was at the time of my departure from New South Wales.

54. Does that include some little local detachments?—It includes a company of veterans, since disbanded. There was also a detachment belonging to regiments in India, which had been sent out as a guard over convicts.

55. What was the body-guard?—The body-guard consists of a non-commissioned officer and six men; at least that was the number in my time. The body-guard and mounted police are formed from the corps composing the garrison.

56. Can you state the cause of the great variation which appears in the amount of force? Will you inform the Committee how it is occasioned?—The regiments are sent to New South Wales intermediately on their way to India, by small detachments, 30 men, as a guard with each convict-ship, and thence to India in larger bodies, one third of a regiment at a time.

57. Will you state how they proceed from thence to India?—The orders were, that when the half of a regiment furnishing guards for the convict-ships should have arrived, the regiment which had been the longest in the command should be sent on to India. But, from the insufficiency of the garrison, it was never in my power to send away more than a third of a regiment at once. The change of troops is therefore almost constantly going on, and the strength of the garrison is consequently fluctuating.

58. Are there many detachments from New South Wales besides what go to Van Diemen's Land?—A great many detachments are employed in the interior and on the coast of New South Wales.

59. Are there many besides?—No; there is no island dependant on New South Wales but Van Diemen's Land and Norfolk Island.

60. What are the interior stations where detachments are placed?—They are very numerous; when I came away there were about 18. By the Return I saw yesterday that number appears to have been reduced a little.

61. The Swan River was not founded when you came away?—Yes, it was; but it was totally independent of New South Wales, although the garrison was taken from one of the corps under my command.

 62. Did

Lieut. Gen. *Ralph Darling.*

19 March 1835.

62. Did you include the Swan River among those detachments?—No; that detachment was sent out direct from England.

63. Are you aware that within the last year or two there has been an increased demand for detachments in the Swan River colony?—No, I am not.

64. In point of fact, out of the 2,049 troops, did you include any detachments at Swan River?—No, none.

65. Was there any attempt made during the time that you were there for the purpose of embodying any militia force?—No, there was not; but Lord Bathurst mentioned to me, when I was going out, that it had been suggested by a gentleman then in England, Major M'Arthur, and his lordship desired that I would consider it, and let him know if I thought it at all advisable: it certainly appeared to me not to be advisable.

66. You do not consider it desirable, then, to form any local force, do you?—I should say not, from the composition of the population of the colony.

67. What are the peculiar features which you refer to in the population of the colony?—From there being so many convicts who are servants to the settlers. If a militia were formed, and the settlers in the course of duty taken from their homes, their convict servants, being free from control, would in many cases plunder and perhaps ruin them during their absence. The constant residence of the settlers on their property is an object of great importance in such a colony.

68. It appears from the population Returns before the Committee that about two-fifths are convicts, and the remaining three-fifths settlers?—The remaining three-fifths are not all settlers; for instance, a very large proportion are children under 12 years of age. I am speaking of embodying the settlers and employing them as militia. Every settler having a number of convict servants, the probability is they would plunder their masters' property, and consequently abscond, which would occasion at least great confusion in the colony.

69. Will you look over this Return and see if there is any appointment that you think can be dispensed with, having regard to the public service?—I should say, certainly not; I think the staff in New South Wales requires being increased.

70. Looking at that paper and comparing it with the staff of New South Wales during the time you were there, is there a diminution or an increase?—It seems to be precisely the same. Here is an officer, Lieutenant-colonel Morrisett, who is styled commandant; the fact is, the situation of commandant of a penal settlement is purely of a civil nature, it being a place of confinement, where prisoners under colonial sentences more especially are sent. Colonel Morrisett's salary was paid in the same manner as the expenses incurred on account of the convict establishments generally.

71. It is put down as paid out of the Parliamentary grant?—That is a grant to provide for the expenses consequent on the transportation of convicts.

72. As regards the number of officers, is there any situation that could be reduced?—Certainly not; I think they are on the lowest possible scale.

73. Is there any thing else you can suggest to the Committee upon any of these points?—I have a paper here which I have drawn up, containing some suggestions, which, if the Committee will allow me, I will put in.

[*The following Paper was then put in and read.*]

MEMORANDUM respecting the STAFF and GARRISON of *New South Wales.*

THE troops employed to garrison New South Wales are dispersed over a very considerable extent of country, and occupy not less than 16 different stations. This necessarily involves a great deal of detail, and occasions a great deal of correspondence. In the interior the relief of the troops is periodical, yearly.

At the penal settlements and stations, to which the convicts are sent by the sentence of the courts of justice, the change of the troops is constantly going on, all prisoners being sent under escort; as these escorts arrive a proportionate number of the soldiers who have been longest at the station are returned to head-quarters, with the prisoners whose sentences have expired.

The head-quarters of one regiment is stationed at Paramatta, 16 miles from Sydney; and another regiment is employed at Van Diemen's Land, with which colony there is a constant correspondence, partly in consequence of the guards arriving with the convicts, which belong to corps in New South Wales, being landed there, and various other matters arising out of the nature of the command.

The general orders issued at New South Wales are communicated to Van Diemen's Land, and from the peculiar nature of the command these orders are numerous. In addition to which, the periodical Returns of the troops in Van Diemen's Land are embodied in the general Returns of the command, which are made up monthly at the head-quarters in New

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New South Wales, and forwarded to the Secretary of State for the Colonies, the Horse Guards and the War Office.

It is evident that the duties imposed by the aforegoing arrangements and details, must occasion as much business as any one individual can properly attend to; still, for all these duties, which include those of both the Adjutant and Quartermaster-general's Department, there is but one officer, a major of brigade, who besides has to attend to the duties of the Garrison of Sydney, parading and superintending numerous daily guards, the various duties of the town, &c. which, from the composition of the population, a large proportion being convicts and their descendants, cannot but require much personal exertion, and occasion no little anxiety of mind.

I am, therefore, of opinion that the efficient and proper discharge of the several duties to be performed by the Staff of New South Wales would require,

1 Assistant Military Secretary.

1 Deputy Adjutant or Deputy Quartermaster-general for the general duties of the command.

1 Commandant for the Garrison of Sydney.

1 Town or Garrison Adjutant for the duties of Sydney.

In apportioning a Staff to any particular command, the nature of the command should be considered. The extent of the Staff cannot always be determined by the number of troops employed; local circumstances should be taken into account. Out of a population of 60,000 persons, at which that of New South Wales may be stated, in round numbers, according to the census taken in 1833, more than one-third appear to be actual convicts, men under sentence; and five-sixths of the whole number are probably convicts, or the descendants of convicts.

As the convicts are dispersed over the colony, and the worst characters employed in large gangs in making and repairing the public roads, it becomes necessary to spread the troops and occupy various stations, with a view of keeping the prisoners in subjection. Several of the stations are much more than 100 miles, in the interior, from head-quarters; while others are accessible only by water. The multiplication of stations and posts adds materially to the duties of the Staff; that is, a large body of troops, when concentrated, may not require a more extensive Staff than a much smaller body which is widely dispersed.

I would also respectfully submit the expediency of appointing a Staff Surgeon and two assistants to New South Wales. I apprehend there is no command of that magnitude without an officer of rank of the General Hospital Staff. New South Wales and Van Diemen's Land are undoubtedly both very healthy stations, but the dispersion of the troops renders it impossible for the Regimental Medical Staff to attend to the detachments of its own corps; and it does not appear consistent that the medical officers of four different regiments should act independently, without any immediate chief or head. They should be under the control of a superior, whose duty it would be to report to the general officer in command, rather than leave him to superintend details, of which he cannot be a competent judge, or have time to attend to.

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N. B.—The scale I have proposed does not exceed the Staff allowed for colonies similarly circumstanced. The Cape of Good Hope, for instance, which, from local circumstances, is perhaps more on a par with New South Wales than any other command. At the Cape the following Staff appears to be employed: viz.,

1 Assistant Military Secretary.
1 Deputy Quartermaster-general.
1 Major of Brigade.
1 Acting ditto.
1 Town Major.
1 Commandant, at 20*s.* per diem.
3 Ditto, at smaller salaries.
1 Deputy Inspector-general of Hospitals.
5 Assistant Surgeons.

A Commandant is as necessary at Sydney as he is at Cape Town, as the Governor cannot conduct or attend to the details of the garrison of the town.

R. D.

74. Did the regiments going from New South Wales to India go bodily or by detachments?—Not bodily, as it was never in my power, as I have stated, to detach so large a number as a whole regiment at once; I therefore sent about a third of a regiment away at a time, and as other guards arrived from England availed myself of such addition to the garrison to forward the remainder of the corps to India.

75. With regard to the commissariat, do you consider it either sufficient for the purpose or more than is necessary?—The commissariat establishment always appeared to me to be very large, and I took every possible pains to reduce it; I recollect appointing a Board on one occasion, and I was very much surprised to find it stated, when going into the examination, that there were several tons of

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accounts and vouchers for examination which were put away in a room; yes, as I understood, several tons by measurement.

76. Did that board report upon the state of the commissariat to you?—Yes, they did, and I sent the report home; and I think that the Treasury, in consequence, dispensed with those accounts being examined in New South Wales, and desired that they should be sent home. Their examination on the spot would have interfered so much with the other duties of the department, that the greatest inconvenience must have resulted from it; in short, it could not have been effected without a large augmentation of the establishment.

77. Your opinion was, when you left the colony, that the commissariat establishment was not disproportionate to the duties it had to perform?—I cannot say it was, presuming that the individuals employed discharged their duty with diligence. It supplies all the convict establishments, as well as the military, and therefore their duties are very extensive.

78. That is from the number of stations?—Yes; there were about 18 military posts when I came away, besides the head-quarters, and a considerable number of convicts to victual, who are dispersed in gangs all over the colony.

79. Would not their duties be increased by the constant arrival and departure of troops?—They would.

80. Do you recollect what was the number of deputy-assistant commissary-generals you have had?—It varied a good deal; first there was a smaller number, then I think the Treasury adopted a plan, as a measure of economy, of bringing several deputy-assistants from the half-pay and employing them, instead of persons who did not belong permanently to the service.

Martis, 24° die Martii, 1835.

SIR JOHN BYNG, IN THE CHAIR.

Lieutenant-General *Ralph Darling*, called in; and further Examined.

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81. DO you wish to state anything in addition to your former evidence?—I should beg to explain the evidence I gave respecting Norfolk Island. I was asked whether I had any observations to make with respect to the officers enumerated in a list which was shown to me, and as there was no sum stated opposite to that of commandant of Norfolk Island, it did not occur to me to say anything upon the subject. I wish to observe, that the officer who held that situation, Lieut.-colonel Morrisset, an unattached officer, received a salary of 600 *l.* a year. Now my opinion is, that that appointment may be very well dispensed with, and that the duties, as formerly, can be performed by the officer commanding the detachments, who received 10 *s.* a day in addition to his military pay. The duties are of a civil nature, and the salary or allowance is paid from the money that is granted by Parliament for the transport of convicts and the expenses attending the establishments, for their superintendence and maintenance.

82. Will you have the goodness to explain the nature of the duties to which you refer?—To superintend the discipline and employment of the convicts who are sent there under sentence of the courts.

83. And you are of opinion that a military officer liable to be changed from time to time, is as fit for the performance of that duty as a fixed civil officer?—Yes; should an officer prove unfit for the charge, the governor could remove him and appoint another to the situation; Colonel Morrisset was unattached, and sent out from this country as commissariat of Norfolk Island.

84. You stated he had since sold out?—Yes; and I believe the vacancy at Norfolk Island has not been filled up.

85. And therefore though a military officer, he was to all intents and purposes a civil superintendent?—Yes; but being a military officer, although not belonging to the corps doing duty in the island, he had also the command of the troops stationed there. My opinion is, that the two situations should be united as heretofore in the senior officer of the detachment; the duties of both would then be more advantageously performed.

86. The

86. The question the Committee addressed your attention to was, whether you thought a military officer, whose appointment was to command a detachment only, and who was liable to be changed from time to time, was as fit to exercise those civil duties as a person entirely devoted to it?—I think he is; for if the governor finds him well qualified for the situation he can retain him, if not he can remove him; this cannot always conveniently be done in the case of a person receiving a permanent appointment.

87. You think there is nothing in the duty which a military officer could not transact?—No; the military officer at Moreton Bay, the other penal settlement, performs both duties. It may not be irrelevant to add, that by the proposed arrangement, there would be a saving of at least 300 *l.* a year.

88. And you propose that the officer commanding the detachment should have an addition of 10 *s.* per diem to his pay, in consideration of that duty?—Yes. The way I acted was this: when the penal settlement at Moreton Bay, for instance, was in its infancy, and the number of convicts did not exceed 500, the allowance to the officer was 10 *s.* a day: when the numbers increased (and there were occasionally 1,000 there), the allowance was increased by the authority of the Secretary of State, to 300 *l.* a year. The duties are of a very arduous nature.

89. With reference to the immense number of unsettled accounts which you mentioned in your former evidence were in arrear, and which were sent home to England, were any means afterwards taken to have the settlement of the accounts more regular?—Means were taken by increasing the establishment of the commissariat. When I went out, the commissariat consisted of one deputy, one assistant, and six deputy assistants: it afterwards received an addition of an assistant and 10 deputy assistants. That was the establishment, both for the store and account branches; and in consequence of its being so small, it became impossible to examine the accounts. As I stated in my former examination, the stations are very numerous, and the commissariat have to victual and provide, in every respect, both the military and the convicts; therefore, from the insufficiency of the department, having had only six deputy assistants, the accounts fell so much in arrear, that they could not be examined: if it had been attempted, the current business of the department must have been neglected.

90. Is the Committee to understand that the deputy assistants you adverted to, all acted as clerks, and that they had no clerks besides?—There were clerks besides.

91. Are you of opinion that any decrease in the present strength of the commissariat may be effected, with due regard to the public service?—I should think not; presuming, as stated in my former examination, that the several individuals employed are diligent in the discharge of their duty, of which, however, a governor has no means of judging. The commissariat act under instructions from the Treasury.

92. Could the establishment be decreased at any one of the stations?—It is not in my power to enter into the details of the several stations: the officers, &c. are detached, as the head of the establishment finds it necessary for the conduct of his department.

93. Why is the strength of the commissariat so much greater in New South Wales than it is in any of the other colonies?—Because they have a considerable number of convicts to provide for, as well as the military force; several thousand convicts.

94. Do the commissariat provide for the whole, or only a portion of the convicts?—For the whole that are under punishment, or have been returned to the government by the settlers. I do not know whether it immediately applies to the question, but I wish to observe, that there are a great many convicts who are provided for by the government, who are not retained by it through choice, but necessarily maintained as prisoners, under colonial sentence. I have in my hand the Third Report of the Commissioners of Colonial Inquiry, on the Australian Colonies, which sat in the year 1830, and I see there are nearly 5,000 convicts stated to be attached to the government. There are some observations connected with this statement, from which it might be inferred, that they were retained solely for the service of the government, when in fact they were a very serious burthen to it.

95. Was that a Committee of the House of Commons?—No, a Special Commission of Inquiry, appointed by Government.

96. What is the greatest number of convicts you have known under charge of

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the Government of New South Wales?—The statement in this Report has reference to the year 1829; it specifies 4,879, and I am not aware that there was at any time a greater number than this.

97. It seems that there are 4,879 convicts, and there are 2,107 rank and file, making altogether in round numbers, about 7,000 persons, for whom the commissariat has to provide; how comes it to be necessary that there should be an expenditure upon the commissariat department in Australia of 16,455 *l.*, and that there should be 84 commissariats and clerks, while in Ceylon, where there are 4,825 rank and file, which is more than half the whole establishment for which the commissariat has to provide in Australia, the whole expense of the commissariat in Ceylon is only 3,699 *l.*, and the whole number of commissaries and clerks 17?—I can only observe, that the military posts and stations where the convicts are employed are very numerous both in New South Wales and Van Diemen's Land, and every station necessarily occasions additional expense. Where there are 50 or 60 convicts assembled, they have to be victualled and provided for. The convicts under punishment, as stated in my former evidence, are kept in gangs and worked on the roads, &c.

98. Is the providing for and provisioning a certain number of convicts more laborious to the commissariat than that of making provision for regiments?—I am not aware that it is.

99. It appears that in the Ionian Islands there are a great number of stations, and it is stated that there are no clerks, and but seven commissaries to supply 2,983 rank and file, yet the whole expense of the commissariat there is 2,712 *l.*; how do you account for the difference?—I cannot pretend to account for it; my general answer would be, that it is from the nature of the colony and the duties consequently required. In Australia the convicts are dispersed all over the colonies. They are employed in working-gangs in every direction, as I have stated, and they are to be supplied and provided for at the respective stations.

100. Is it your opinion that the constant arrival and departure of troops, and the constant arrival of convicts make it requisite to keep up so large a commissariat establishment?—These circumstances render a larger establishment necessary than if the numbers were fixed and not constantly fluctuating.

101. Do you consider the governor's body-guard at Sydney as absolutely necessary?—I beg to give in this memorandum, which I drew up on the subject in consequence of the questions that were put to me when I was last before the Committee, which will furnish an answer to the present question.

[*The following Memorandum was given in, and read, as the Witness's Answer.*]

"The governor's body-guard, as it is termed, or mounted orderlies, consisted during my government of one non-commissioned officer and six privates, which number is, in my opinion, sufficient for every necessary purpose. These men are soldiers of the garrison, and the only expense attending the establishment is a small allowance in addition to their military pay, and their clothing as light dragoons. The total annual expense of the establishment, as stated in the Third Report of the Commissioners of Colonial Inquiry, dated 1st November 1830, was 103 *l.* 10 *s.* 2 ½ *d.* Independent of the policy of distinguishing the governor in some degree by the attendance of a mounted orderly, the duties which they perform are not altogether unimportant. They furnish two orderlies daily at the government house, which orderlies would otherwise be taken from the garrison; these orderlies take letters, &c. to the several public offices and to individuals in the town. When dispatch is necessary, they are sent with orders and other communications into the country. Two generally attend the governor when making his inspection of the detached stations, and are, in fact, necessary as a guard when he is travelling to the remote districts. I believe there is a similar establishment in most, if not all the colonial governments. There was at Mauritius when I held the administration in the years 1819 and 1820."

102. Are you aware that that force has been augmented since that time?—I think Mr. Hay told me it had been augmented since I came away.

103. Are you of opinion that one non-commissioned officer and six privates are quite sufficient?—Yes.

104. Are the non-commissioned officer and privates taken from regiments belonging to the garrison?—Yes, from regiments in New South Wales.

105. Has it been much the practice to employ military officers commanding military detachments in New South Wales and Van Diemen's Land, in the performance

formance of civil magisterial duties?—It has; and I should say with very great advantage.

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106. Have they generally had an extra allowance per diem for performing these civil duties?—They have.

107. Are not these military officers, considering the mere question of expense, cheaper as civil officers than civilians would be sent out from Europe as such, and paid as civil servants?—I should say so, certainly.

108. Are these military officers generally efficient in the discharge of their civil duties?—They have been particularly so. The governor of course, as I did myself, takes pains to select the individuals best qualified for the office.

109. Then, if they are both efficient and economical, are you of opinion that the investing of military officers with civil authority may, in very many cases in the colony under consideration, be advantageous to the public service?—I think particularly so.

110. Since the increase in the commissariat establishment, have the accounts been regularly made up?—I conclude they have, not having heard to the contrary.

111. Before that period they were in arrear?—It appears by what precedes, that they were very much so.

112. Were they in arrear when you came away?—I do not know that they were; my presumption is that they were not in arrear.

113. Have you any observations to offer generally for the information of the Committee?—I would merely state, that in the staff proposed it was intended that the appointment of brigade-major should be discontinued, and that the commandant recommended for Sydney should be the senior regimental officer of that garrison, and not a permanent appointment, as in that case a smaller allowance would suffice.

Major *Joseph Wakefield,* 39th Regiment, called in; and Examined.

Major *Joseph Wakefield.*

114. HAVE you served some time in New South Wales?—I have served for six years in New South Wales.

115. How long have you been returned from it?—Three years; I left New South Wales in July 1832, for India.

116. The regiments there are greatly detached, are they not?—Very much; very distant from head-quarters, and very small detachments too.

117. Is the requisite duty there hard upon the troops?—Yes, I think it is upon those in the interior, particularly if stationed over road-gangs.

118. Upon an average, how often are they called upon to mount guard?—I really do not know, but I think very frequently they have not more than two nights in bed; often only one; perhaps sometimes they may have three.

119. At the time you were in New South Wales, it appears there were but three regiments?—Two in New South Wales, and one in Van Diemen's Land.

120. Are the duties required not only numerous but various?—The duties are various and numerous. A great deal of escort duty is required, which is very fatiguing.

121. It appears that there is a great number in the commissariat department in New South Wales; are their services much called for there?—Yes; but I am not acquainted with any commissariat department in particular; I do not know what number they have.

122. What detachments over convicts are there in New South Wales?—There are convicts where most of the detachments are; but Moreton Bay and Norfolk Island are the penal settlements of New South Wales.

123. What is generally the relative strength of the detachment and the number of convicts at each station, upon an average?—I will state the force at the stations at which I was: at King George's Sound, where I was for two years, (I went there when it was first settled) I had a serjeant and 20 rank and file, and about 30 convicts, but they were men of better character than you generally meet with, picked men on purpose, that they might clear the ground, raise huts, and act as mechanics. I was 15 months at Norfolk Island, and I think there were about 300 convicts there at that time. When I first went down, the strength of the detachment was about 64 rank and file; it was afterwards increased, and I believe it is now 120, or perhaps a few more. The convicts had no barracks, nor had the soldiers, so that I required at that time rather a strong force for the number of prisoners.

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124. You have spoken of the comparative strength of the troops and convicts at the different stations; it appears that at Long-bottom, Springwood, and Weatherbourne, at each of these places there is one single soldier, and no other military person; on what duty do you suppose that individual soldier can be employed?—I cannot say; one man would be perfectly useless; perhaps he may be left in charge of the barracks vacated by the detachment, or be a mounted police-man stationed on the road.

125. Are they ever allowed to be servants to civilians?—No.

126. Do you know the strength of the governor's body-guard?—I do not know the strength. I think there were about 12 or 14 mounted in Sydney; but I do not know.

127. Have they much duty to perform?—I am not aware of any duty except attending the governor, and carrying despatches occasionally between Paramatta and Sydney. I am not aware that they perform any other duty.

128. What is the whole extent of coast of New South Wales, which the troops have to guard?—I think from Sydney to Moreton Bay is about 300 miles to the north eastward. King George's Sound, I believe, is 1,500 miles to the westward, upon the southern coast.

129. How far does the guard extend internally?—I do not know the extent of it, never having been along the boundaries myself. There is a strong detachment at Bathurst, which is 120 miles in the interior of the country, to the westward.

130. Were you ever at Van Diemen's Land?—I have been there three times, but never quartered there to do duty.

131. Is the duty there equally severe upon the troops as in New South Wales?—I cannot say.

Captain *Henry Smyth*, 39th Regiment, called in; and Examined.

Capt. *Henry Smyth.*

132. HOW long have you been in the service?—Since 1804, in the 39th regiment.

133. How long were you stationed in New South Wales?—From the latter end of 1826 to December 1832.

134. During that period were you often in detachments?—Almost the entire of the time.

135. In command of detachments?—Yes.

136. Is the duty severe upon the troops there?—I think it is rather severe. I have always fancied there was a paucity of troops in the stations where I have been, for the duties they had to perform. My first station was forming a new settlement at the northern extremity of New Holland, called Raffles Bay, which was afterwards abandoned, and I think, with that of Melville Island, concentrated in the one now formed by Captain Stirling at Swan River; both those settlements were abandoned about the latter end of 1828. Subsequently I was sent to Port Macquarrie.

137. As you have served in so many places, do you consider the comparative duty in New South Wales is more hard or more light upon the soldiers than in other stations where you have been?—It is much harder, I conceive.

138. Does that include Van Diemen's Land?—No, I know nothing of Van Diemen's Land. I am now speaking more particularly from the soldiers' frequent complaints to me of the hard duties they had to perform, especially at Port Macquarrie, where they had only a night, or a night and a half in bed. It is customary for soldiers so to express themselves. I frequently made applications for relief; but as the men were sent to head-quarters, the number of the detachment was allowed to diminish; none were sent to supply their places. Subsequently Port Macquarrie was made a free settlement.

139. How many nights in bed had the several detachments, upon an average?—They had not two nights in bed certainly in Raffles Bay or Port Macquarrie, but I think they had two nights in bed at Sydney. I am not aware how far the duties of the other detachments go, but should consider they were pretty equal in point of duty, for that distribution would naturally take place at head-quarters.

140. Is not the climate in some parts of the year very oppressive?—I never found it so; now and then, perhaps, when a particular wind is blowing, somewhat like the sirocco in Malta, it is rather oppressive, but not to affect the constitution in any way.

141. The troops are generally healthy there?—I think particularly so; what sickness

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sickness there is with them, I fear too commonly arises from their own indiscretion; there is too great a facility of obtaining what soldiers generally like, spirits.

142. What stations have you held the command of during the period you were in New South Wales?—Raffles Bay and Port Macquarrie only.

143. Were you ever at Van Diemen's Land?—Merely in the harbour, and that was on my passage out; I was on shore.

144. Are you acquainted much with the duties which the commissariat are called upon to perform in New South Wales?—Not much beyond that which particularly appertained to my own stations.

145. I suppose there is an officer or clerk of the commissariat department at each station?—There were two with me, a clerk and an assistant.

146. Were both necessary?—I think quite so. It was an extensive settlement; I had from 200 to 300 prisoners, also some female convicts in a factory there. The out-stations were very wide asunder, and the duties of the commissariat of course on an equally extensive scale; even then, with all the vigilance they could adopt, depredations were occasionally committed.

147. Did you ever hold a civil office connected with your military command?—Yes, I was appointed a magistrate at Port Macquarrie; the duties were chiefly with the convicts.

148. Had you extra pay for that?—I had 10 *s.* per diem.

149. In addition to your military pay?—In addition to my military pay. The appointment of a military office to that station ceased with me. B. Sulivan, Esq., succeeded me as magistrate there.

150. Were there any complaints with regard to the barrack department, as to the maintenance of the barracks, where you were quartered? In what way are they kept up?—Yes. They are within the military walls; they are carried on in the same sort of way as usual.

151. Under the colonial government, are they not?—Yes.

152. Do you consider that system answers well?—It never appeared to me that the barrack system was a good one, but I am not prepared to say why; it appeared to be always in some degree disorganised.

153. Was there any want of barrack utensils or barrack furniture?—Yes, I do think there was a great deal; and it appeared to me the restrictions on the barrack-master were more than usual in such situations, and that he was not on that respectable footing which is generally the case.

154. You have been in other colonial stations besides those two?—Not in New South Wales.

155. You have been in other colonies?—I have been in Malta, Sicily, the Peninsula, Canada, Ireland and India.

156. Then you do not consider the barrack department so well managed under the Colonial government as under the Ordnance?—Certainly not, in my opinion.

157. Were you stationed at Sydney during the time you were in New South Wales?—A very short time; it was merely during the period between my return from Raffles Bay and my going to Port Macquarrie.

158. Do you know anything of the duties of a mounted body-guard?—There was one, I think, a serjeant and 12 privates; I frequently used to meet them on the road between Sydney and Paramatta; their duties, I believe, were principally taking despatches to out-stations.

159. Paramatta is the governor's residence, I believe?—The governor has a residence at Paramatta, but Governor Darling generally resided in Sydney; Governor Bourke, I believe, prefers Paramatta.

160. Is there any other information which you can give the Committee?—No. I beg to say with respect to the barrack department, there appeared to me to be a want of comfort and a want of regularity which did not exist in those I have seen at other places, but that is merely a matter of opinion; I had no facts upon which to form my judgment, but it appeared to me that the barrack department in general was not conducted with the best regularity.

161. Was the commissariat department satisfactorily conducted, as regards the officers and men?—I think particularly so. Sometimes the contractor for bread did not issue that of the best quality, and complaints were then made, but they were remedied; generally speaking, the bread they supplied was very good, and the meat also was very good.

162. Had you any opportunity of judging whether it was economically conducted,

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ducted, with reference to the public service?—I had no opportunity of judging to a certainty, but there appeared to me to be nothing to the reverse.

163. Or whether its establishment was large relatively to the duties it had to perform?—I did not consider it extensive. There appeared to me to be a great deal of regularity and a great deal of attention in that establishment.

164. And you have had great experience in the supply of troops by the commissariat?—I had. In going out to Raffles Bay, I was unfortunately supplied with some very indifferent salt meat, but that was the only instance.

165. In point of fact, the establishment there is larger, relatively to the number of persons for whom they have to provide, than you have known them at other stations? There are a great number of individuals employed in the commissariat there?—Yes, I think it is very possible there may be; but the commissariat have to supply an immense number, the troops and convicts together.

166. Then you do not think the establishment too large for the number they have to provide for?—No; I think they are very actively employed.

167. But you think the barrack department is ill regulated, or might be better organised?—Yes.

168. Do you think it would be improved, supposing it was transferred to the Ordnance?—Yes, I have not a doubt of it.

169. There are a great number of public stores, are there not, under the charge of the commissariat?—Yes, there are.

170. Do you think their diffusion over a great extent of country renders a greater number of commissariat officers necessary?—Yes, that is the reason. There is a difficulty in the transport of provisions to out-stations, and when sent in any magnitude, should be taken charge of by one of the department. It is very difficult even with a serjeant who has only 12 men to perform that duty. He may be supplied by a contractor near to his station, and then he may do very well, but he could not do it where there were a couple of hundred people to provide for without commissariat assistance.

171. How long did you serve in the Peninsula?—From the latter end of 1810 till our arrival at Bordeaux and Pauliac in 1814.

172. During that period you had pretty good experience of what was required in the commissariat department?—Yes, I had.

173. With reference to what you said before, that a serjeant and 12 men might have the charge of stores and provisions, should you not think that at Bong Bong, where there are only 12 men, the deputy-assistant commissary-general might be retrenched?—If that is the only duty he has to perform, he might. That is a direction in which I have not been, but I think there are various stations concentrated in one commissariat duty, and somewhere in that neighbourhood.

174. You have stated the duties of the commissariat with regard to the convicts; then I suppose you by no means look on the commissariat as exclusively a military establishment?—No, certainly not; I consider it includes the whole.

175. By which you mean, that if there were no convicts there, the troops would not require anything like the present establishment?—Certainly not.

176. May I ask whether you consider the convicts under the charge of government would require a larger number of commissaries to provide for them than the same number of King's troops would?—I do not perceive why they should, as the distribution is nearly the same; in fact, as no spirits are issued to the convicts, there is rather less duty in providing for them.

177. Are there not superintendents over the convicts?—Yes, selected from themselves, in some instances; in fact, in many instances it is indispensable, such a number as there are in the road-gangs, who have only to throw down their spades and step out of sight immediately; it requires a great deal of attention to keep these men in order.

178. It has been stated by General Darling that the number of convicts under charge of the governor is about 5,000, so that the convicts and King's troops together amounted to between 7,000 and 8,000; it also appears from this Return that the number of commissaries and clerks amounted to between 80 and 90 in the Australian colony, whilst at Ceylon, where the troops are very numerous, 5,000 rank and file, there are but 17 commissaries and clerks; why is there so much difference in the amount?—I should think the extent of the distribution is much greater in New South Wales. The extent of country is very considerable. Bathurst is upwards of 100 miles; Norfolk Island, Moreton Bay and Port Macquarrie are at a great distance; various other stations are very much distributed and difficult to communicate with.

Robert William Hay, Esq., Under Secretary for the Colonies, called in; and further Examined.

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179. WHAT is the present amount of the body-guard in Sydney?—The body-guard has been superseded by a certain number of orderlies, as General Bourke has reported in a despatch which was received from him in December last. The Secretary of State has since directed that the expense of these orderlies should be reduced, conceiving that they were only a substitution for the body-guard, which was considered unnecessary.

180. What Returns relative to Nova Scotia do you propose to lay before the Committee?—I propose to produce the Returns which were printed last year. It has not been thought necessary to reprint them, because the changes which have taken place since the last year I shall be able to explain to the Committee. I should wish to confine the examination to-day, if possible, to Nova Scotia, New Brunswick and Prince Edward's Island, although Newfoundland is included in the Nova Scotia command, and therefore appears at the head of this Return. Bermuda is a separate command; but I should propose that Newfoundland and Bermuda be taken together on a future day.

181. Can you furnish a Return of the effective force in Nova Scotia up to a later period than 1833?—I have obtained from the Adjutant-general's office a Return of the effective force up to March last, as far as it can be ascertained (*see* printed Paper in Appendix.) It contains the amount of force for the last year in all the colonies, as well those which have been under examination as those which are to be examined into; it is supplementary to that Return which is before the Committee, in the Appendix to the printed Papers.

182. There is no material alteration between the force in 1833 and 1834?—The amount in 1833 appears to have been 2,151, now it is 2,036.

183. Can you inform the Committee as to the distribution of the force belonging to the Nova Scotia command?—This paper (*see* printed Paper, Appendix) contains the distribution of the force according to the latest Returns.

184. Have any applications for an increased force in that quarter been made to the Government?—The only application of late years was from New Brunswick, in consequence of the unsettled state of the boundary question. It was then determined that some additional force should be sent out, and that was dispatched in February 1834.

185. Who is the present governor of Nova Scotia?—Major-general Sir Colin Campbell.

186. Can you inform the Committee as to the amount of pay and emoluments of the present governor and his immediate predecessor?—Sir Colin Campbell enjoys a salary of 3,500 *l.* a year along with his staff pay as a major-general; his immediate predecessor was Sir Peregrine Maitland, who enjoyed considerably more originally, and was reduced in the latter part of his government to 3,000 *l.* a year, and the government of Annapolis, without any staff appointment. Sir James Kempt, who preceded him, had larger emoluments still, but these are to be found in the Report upon Army and Navy Appointments, and are stated by Sir James Kempt himself in his evidence; they amounted altogether, I perceive, to upwards of 5,000 *l.* a year.

187. What was the total of Sir Peregrine Maitland's emoluments, including Annapolis?—£. 3,000 a year, colonial salary, and 967 *l.* for Annapolis; he had also the emolument of colonel of a regiment; but these are taken into account in all cases, and therefore I have not stated them.

188. Will you inform the Committee the amount of pay and emoluments of the lieutenant-governor of New Brunswick?—The lieutenant-governor of New Brunswick has 3,500 *l.* a year, colonial salary, and is not upon the staff. It is intended that the future salary attached to that government shall only be 3,000 *l.*

189. Can you inform the Committee of the amount of pay and emoluments of the lieutenant-governor of Prince Edward's Island?—£. 1,000 a year, with 100 *l.* fees, making 1,100 *l.*; he is not upon the staff, and does not command the troops.

190. Is there a government-house in each of these colonies?—Yes, there is.

191. Out of what fund is the governor paid in each colony?—In Nova Scotia the colonial salary is in part derived from the sum of 2,000 *l.*, which the Assembly agreed to give in the course of last year as a commutation for quit rents due to the Crown. It will be necessary, I believe, to apply to Parliament to make up the deficiency not only of the lieutenant-governor's salary, but to provide for the

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arrears which have accrued in consequence of the discontinuance of the vote of Parliament. The salary of the lieutenant-governor of New Brunswick, &c. is paid from the Crown revenue of the colony, and that of the governor of Prince Edward's Island from the Parliamentary vote, which appears upon the estimates.

192. Is there any Parliamentary vote for Nova Scotia?—It has been discontinued; but I apprehend it will be resumed, for the reasons which I have just stated.

193. What is the amount of revenue in each province?—The revenue of Nova Scotia, independent of the casual and territorial revenue, amounts to about 68,000 *l.*; that of New Brunswick, independent of the casual revenue, amounts to 38,000 *l.*; and that of Prince Edward's Island to about 12,000 *l.*

194. What is the state of the militia in these provinces?—The militia act under certain provincial laws, which vary in some degree in each province, but generally, I may say, they assemble but rarely. In New Brunswick, for instance, there is only one training day annually: in Nova Scotia there are four. They are without pay or clothing in New Brunswick, although there are a certain quantity of arms in case they should be wanted. All persons between the age of 16 and 60 are liable to serve. There is a sum paid by each colony for officers to train and to inspect the militia. In Nova Scotia it is 1,457 *l.*; in New Brunswick, 1,506 *l.*; and in Prince Edward's Island, 114 *l.*

195. Paid to field-officers of the army?—They are officers selected on the spot, and generally, I presume, field-officers of the British army.

196. Are there forts or other public works to be kept up?—There is no work of which I am aware in progress which requires any expense, except the citadel of Halifax, for which a sum is taken this year, in the Ordnance Estimate, of 3,000 *l.*

197. Did the Government take any steps for strengthening the province of New Brunswick, in consequence of the Report made from the Military Commissioners in 1825?—The erection of this citadel, to which I have just alluded, is part of that scheme. A military road was also commenced (though it has been discontinued for the present) between Frederick Town and the Great Falls on the St. John, and another was begun some years ago in the province of Gaspe, which was intended to cross the frontier at the head of the Bay of Chaleurs.

198. What is the amount of the population in each province?—In Nova Scotia, 142,000; New Brunswick, 72,000; and Prince Edward's Island, 24,000.

199. The militia have not been for any period employed, have they?—No, they have not.

200. Then, in fact, they are merely on paper, with an occasional muster?—Yes, and that but rarely; three or four times in the year in Nova Scotia; but according to the present law, there is only one training day annually in New Brunswick, where the military system is by no means popular, according to the report of the lieutenant-governor.

201. Is there any amount of police in either of the provinces?—None.

202. Is there any reason assigned why the militia should be unpopular?—None, except that I presume they are unwilling to leave their other occupations.

203. In fact, there has been no increase of force since 1824?—No; the regiment I alluded to as having been ordered out last year went out at the time when one of those quartered at Halifax was ordered off to Bermuda, in consequence of the state of the West Indies, so that, in point of fact, the force remained very much as it was.

204. Has the appointment of deputy adjutant-general been discontinued, or is it not about to be discontinued?—The office of deputy adjutant-general has been abolished.

205. Since when?—Since the last year.

206. Are any other reductions of a similar description in contemplation?—I am not aware that any are practicable. The military secretary has been reduced to an assistant secretary, and one aide-de-camp has been taken off from the military staff of Nova Scotia, in consequence of the reduction in the rank of the officer commanding.

207. You said just now an application had been made for an increase of force in New Brunswick, in consequence of a boundary dispute, but there has been no increase of force in point of fact, because although a regiment was sent out another regiment was removed?—Yes; but the question put to me was, whether any application had been made for an additional force in Nova Scotia, and I said, that

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that in consequence of the application of Sir Archibald Campbell, a regiment was sent out. I did not state that an additional force appeared in the Return.

208. When was that?—In 1833.

209. In consequence of which application, however, no increase has taken place?—No; as the emergency at the same time arose elsewhere, and a regiment was taken away from Halifax for other duty.

210. Would the present state of the boundary question suggest considerations against a reduction?—I should think it very unwise to reduce the force; the frontier to be guarded is a very extensive one.

211. Has there been any reduction in the staff in New Brunswick within the last year?—None, as far as I am aware.

212. Have there been any disturbances in these colonies which require troops to act upon any particular occasion?—It had been for some time reported that the militia were organising in the province of Maine, and the governor strongly urged the necessity of having an additional force on his own frontier.

213. If the militia was organised on a better footing, and a strong civil police established, might not that admit of a reduction of the troops?—I should apprehend the regular force would be more likely to conduct themselves with propriety, and there would be less chance of bringing on a collision than if militia were opposed to each other on that frontier.

214. I think you said the militia force was not popular?—No, it is not at all popular in the colony.

215. If they were employed would they be nearly as expensive as the regular troops?—I should imagine that they would be.

216. Do the troops in Nova Scotia receive rations?—Yes, they do.

217. For which they pay 6*d.* a day?—I believe it is now reduced to 5*d.* in most quarters.

218. You stated that the revenue of Nova Scotia was 68,000*l.* a year, and yet that it is necessary to come to Parliament to provide for the pay of the governor; would it not be practicable to make some retrenchments in the expenditure of the colonial revenue, so as to prevent the necessity of coming to Parliament?—The government has no control over that portion of the colonial revenue which is at the disposal of the Assembly.

219. The necessity arises from the deficiency of that revenue; and is it not right that Parliament should have some means of preventing an application of that sort arising?—That revenue is under the control of the Assembly, and they dispose of it as they think best.

220. But without some limit or control we might be placed under the necessity of granting much more?—It would be very desirable to make some arrangement with the Assembly, if possible, by which they might take a larger portion of the expenditure upon themselves; but it has not hitherto been found practicable to accomplish this object.

221. Suppose Parliament should refuse to grant what it is proposed to ask for the governor?—The result would be that a governor with smaller emoluments must go out, and the present governor come home.

222. Do you conceive there might be any retrenchment made in their colonial expenditure?—I find that large sums are expended in making roads and bridges.

223. They expend large sums on their own property, and seek to make good the deficiency by a grant of money from this country?—The chief items of their expenditure appear to be for local improvements.

224. Would it not be calculated to create dissatisfaction in the colony to call upon them to give up a part of what they appropriate to local improvements, towards the emolument of a governor from this country?—It would be a very unpopular measure; much discussion has already taken place in their Assembly as to the amount they would be disposed to give towards the civil establishment.

225. How is that amount raised, the amount which they give; is it by taxes absolutely imposed by them on the colonists?—It arises principally from duties of excise and customs raised in the colony.

226. How is the amount determined of the sum appropriated by them to civil works?—The Assembly determine as to the amount to be expended by them for provincial objects.

227. I think you said 2,000*l.* quit rents was assigned to the pay of the governor?—£. 2,000*l.* was specially assigned by the Assembly to this object, the sum

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to be granted as a commutation for the quit rents; it is in part only of the governor's salary.

228. Is that a fixed permanent agreement now?—As far as it goes, it is.

229. Has the Crown surrendered all its claims to quit rents on that condition, that 2,000 *l.* should be assigned to the pay of the governor?—Yes.

230. Was the Crown of opinion that it could require no larger sum than 2,000 *l.* for the salary of the governor?—No, the Crown was glad to get what it could; the collection of quit rents being a most unpopular measure in the province, and one which had not been resorted to for some years past.

231. Has it always been the practice to make good the governor's salary by a grant of 2,000 *l.* in that province?—No; this arrangement first took place in last year.

232. When did this at first begin?—The whole of the governor's salary was paid by this country until a very late period; the Parliamentary vote was first discontinued in 1833.

233. The whole of the governor's salary was paid by Parliament?—Yes, the whole of the governor's colonial salary appeared on the estimate; he also enjoyed the emoluments arising from the government of Annapolis, and a sum in commutation for the fees on land patents; a vote of Parliament is apt to be considered by colonists as a link in the connexion with the mother country, and it is not willingly relinquished.

Jovis, 26° die Martii, 1835.

SIR JOHN BYNG, IN THE CHAIR.

Thomas Archer, Esq. called in; and Examined.

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234. ARE there not 20 commissaries and deputy-commissaries, and 61 clerks of various descriptions, in the Australian provinces including Van Diemen's Land?—I am not prepared to speak of Van Diemen's Land at this moment; I thought the inquiries of this Committee would be confined to New South Wales, for which colony I am prepared to give information.

235. Will you state what has been the reduction in New South Wales?—I will. At the time the Return was prepared and submitted to the Committee of last year, the department, as far as was then known at the Treasury, consisted of the number specified in that Return; but by subsequent information, it appears that in the course of the year 1833 the number in New South Wales was reduced to 38 persons, having been previously 51.

236. Are you speaking of commissaries now?—I am speaking of the department collectively.

237. Including issuers, storekeepers, and overseers and messengers, and so on?—No; I am speaking of commissaries and clerks; from the 1st of March 1834 the number was further reduced to 29 persons.

238. The Committee observe that the whole expenditure of the commissariat in New South Wales, in the Return of 1833, was 10,714 *l.*; how much is that expenditure reduced?—The reduction which took place in the year 1833 as to numbers, would be found, I believe, to be about seven or eight persons less than the number returned in the paper which the Committee have before them. The further reduction in the year 1834 produces an annual saving of 1,025 *l.*, but this is the diminished charge upon the last reduction of number. The reduction in the year 1833 effected a saving, but I am not prepared to say what is the amount of that saving.

239. With all these reductions, there still seems to be a great disproportion between the expense of the commissariat staff in the Australian provinces and the other staffs; the medical staff, for example, as compared with other colonies; how do you account for that?—The service in the colony of New South Wales is peculiar: the commissariat are employed in a variety of duties which are not allotted to commissaries on other stations.

240. Will

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240. Will you specify them?—Perhaps it will be satisfactory if I put into the hands of the Committee a paper which is explanatory of the duties.

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[*The Witness delivered in the Paper, which was read as follows:*]

The duties performed by the commissariat at New South Wales are much more extensive and widely different from those of other stations; so that they require the assistance of a greater number of persons than would be requisite if the service were purely military, and the expenditure more than double what it now is; because the arrangements made with regard to the troops will in very few, if any instances, apply also to the convict establishments: a fact which the following observations will no doubt exhibit. The necessity of making separate and distinct arrangements, both as to accounts and other matters connected with the convicts, entails on the commissariat at least double the duty which might be imagined by those who look at the military force only as the criterion by which to judge of its extent, in comparison with other stations.

Independently, therefore, of the duties which devolve on the commissariat as connected with the military force, (duties which are greatly multiplied by the peculiar service on which the troops are engaged), it is the province of that department to make and carry into effect all the arrangements consequent on victualling and clothing from four to five thousand convicts in the immediate service of the Crown, besides providing and supplying the stores, tools and implements necessary to their various occupations. If all the convicts were concentrated in only three or four different establishments at no great distance from each other, these duties would be comparatively light, and their performance would require only a few hands; but it is to be borne in mind that they are widely scattered over an immense tract of country, and divided into a great many gangs, parties and establishments; that, with a view to the maintenance of proper discipline, it is absolutely necessary to keep them at all times well and regularly supplied; that the state of the colony has not admitted of trusting altogether to contractors for such supplies,—a fact which the failures in 1829 and 1830 will fully establish; and that it has been consequently highly expedient to keep up at convenient situations depôts of provisions and stores, under the charge of competent officers, whose duty it is to enforce the due fulfilment of contracts, to be prepared with supplies in the event of any failure, to conduct all payments and other expenditure, and to act as a check on the issue of rations; a check without which either the convicts would not be duly supplied, or the public would in all probability incur a serious loss. These circumstances are stated in answer to any inquiry that may be made as to the reason why contracts have not been universally adopted. With the exception also of arms and ammunition, everything required for Ordnance services is procured, supplied and appropriated through the medium of the commissariat.

At Sydney, as the head-quarters, all the general arrangements of the departments are of course first made, and there the duties are divided so as to ensure efficiency in their performance. In the first place, the officer in charge has an office, to assist him in generally superintending and controlling the service under his direction.

There is also an establishment for the receipt, custody and issue, both in bulk and in detail, of not only the provisions required at Sydney but at all the different out-posts; a duty which is at once very responsible and requires several competent persons to perform it. Apart from this, there is a depôt of stores, tools, implements and clothing, which could not be altogether dispensed with under the supposition that such supplies could be more advantageously procured on the spot by contract.

The cash-office is another branch through which all the numerous and complicated transactions have to pass, and from which the important accounts of the money expenditure have to be rendered in a fit state for audit. The additional duty which devolves upon this office as connected with the convicts is very great, having to pay all the salaries and other expenses appertaining to that service, and render detailed and very particular accounts of the same. Although most of the payments are now made by cheques on the colonial banks, still the duty is not much diminished, as the accounts, which although they are as simple as they can be reduced, require equally as much attention as before.

At Paramatta, which is the next station in point of importance, and distant 15 miles from Sydney, the convict and other establishments are extensive and numerous, not only in the town but for many miles round the neighbourhood.

The magazine at this station being a very good one and eligibly situated, is used as a receptacle for the grain periodically received from contractors; a circumstance which enhances the importance of the station.

Windsor is situated 36 miles from Sydney and 21 from Paramatta, in a district where there are several convict and other establishments.

Bathurst, the principal inland station, 126 miles from Sydney, is where all the duties connected with the convict and other establishments westward of the Blue Mountains are conducted, and which could not be blended with any other station.

Bong-Bong is a station 80 or 90 miles south-westward of Sydney and eastward of the Blue Mountains; and is the centre of an extensive district (the southern part of the colony) where there are several convict and other establishments, all of whom have to depend upon the public stores for their subsistence.

Newcastle is a sea-port 60 miles north of Sydney, and forms an opening to the extensive district of Hunter's River, where there are troops, convicts, mounted police and surveying parties dependent on Government for their subsistence.

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Port Macquarrie is about 130 miles further north, and forms an outlet to the settled country in the vicinity of the river Hastings, where there are also troops and convicts depending for subsistence on the public stores.

Moreton Bay and Norfolk Island, the former about 400 miles northward and the latter about 1,000 miles north eastward of Sydney, are now the only two penal settlements. At each of these there is a large establishment of convicts, together with their superintendents, overseers, and a considerable body of troops. Every individual is of course entirely dependent on the public stores for all his supplies, as no other than government vessels are allowed to visit these settlements.

Each of the divisions at Sydney as before described is, with regard to the extent of duty and responsibility, quite equal to an out-station; and as each must, together with the several out-stations, render a separate and distinct set of accounts if anything like regularity is to be observed, and a due adherence to established regulations maintained, there cannot be a question that in charge of every such division and out-station a responsible and efficient officer should be placed. This inference scarcely needs confirmation further than by stating that it would be impossible to properly blend, consolidate or make more simple the accounts and services referred to, so long as the colony remains constituted as it now is; and therefore any alteration could not emanate in the first place from the commissariat, but must be consequent on a totally different system adopted by the colonial government.

In Sydney four separate and distinct sets of accounts have to be rendered: viz.

The cash accounts - - - - - - - - - -	Monthly.
Account of stores, implements, tools and clothing - - - -	Quarterly.
Accounts of the general provision depôt - - - - - -	Monthly.
Account of transport.	

There is also the deputy commissary-general's office for conducting the general duties and superintending and comptrolling the department.

The peculiar distribution of the troops may be considered with reference to the stations of the convicts, where they are invariably required as guards.

241. You have stated in the paper which has been read to the Committee that a considerable portion of the accounts are now paid by cheques upon the bank; when did that alteration take place?—I think it commenced to take effect early in the year 1833.

242. Is it now complete, and do the bank accounts in fact form a check upon the department?—The payments are principally effected through the medium of the banks; there are two banks employed, each of which has, to a certain extent, the funds of the commissariat.

243. You have very clearly stated, in the paper which you have put in, that were New South Wales to be considered without reference to convicts, the present extent of establishment of the commissariat need not to be maintained; would you, either at present or at a future time, be enabled to furnish the Committee with an estimate of what might be the probable expense of the commissariat, cleared from any convict arrangements, and what is the balance between that estimate and the present expense?—I have no doubt that an estimate upon tolerably fair grounds might be prepared; but even an estimate of that description must depend so much upon local circumstances, upon the distribution of the troops principally, that it would be difficult to arrive at any satisfactory conclusion.

244. Will you be good enough to prepare such an estimate as well as you can?—Yes, certainly.

245. You have spoken in that paper which has been read of the additional duties which are thrown upon the commissariat by reason of the present mode of supplying provisions and stores for non-military purposes, and of the difficulty of making provision for the service by contract; are you in possession of any Treasury letter that will show the efforts that have been made for the introduction, as far as practicable, of a contract system, and thereby diminishing the amount of stores sent from this country, and reducing to some extent the commissariat service?—I have not that paper, but I will procure it. An extract of an official letter from General Bourke, which I now produce, has reference to that subject.

[*The Witness delivered in the same, which was read as follows:*]

EXTRACT of a Letter addressed to the Secretary of the Treasury, by Major-General *Bourke*, dated *New South Wales*, 8 January 1834.

I HAVE the honour to acknowledge the receipt of your letter of the 3d December 1832, to which I have been long in replying, though I have lost no time in making the necessary arrangements for carrying into effect the instructions which it conveys. I should indeed observe, that a considerable part of what that letter directs to be effected, had been previously accomplished. The number of persons, for instance, in the commissariat depart-

ment, which it is stated was fixed by my predecessor at 51, had been reduced at various times subsequent to my arrival in this country, so as to consist at the time of the receipt of your letter of 38 only. In consequence of the arrangements directed by that letter, I anticipate a further reduction on the 1st March next, upon which the commissariat establishment of New South Wales will consist of no more than 29 persons.

The principal matters to which you have been pleased to direct my attention, are the discontinuance of the general depôt of stores, the suppression of the military chests by transferring the funds to the banks, and a less minute examination of certain accounts in the commissariat office here.

With respect to the first, namely, the discontinuance of the depôt of stores, the Lords Commissioners of the Treasury may have observed that the requisitions have of late contained fewer articles of some descriptions, and a much less amount of others, than used formerly to be the case. Tenders have been called at various times, either for the whole or for some portion of almost every article required by the commissariat; and requisitions have been made on the Treasury for the supply of such articles only as could not be had here, or as were offered at an unreasonable price. Their Lordships, however, are quite right in supposing that the rapidly-increasing commerce of the colony will shortly enable the commissariat to procure every necessary article by means of contracts made on the spot.

Their Lordships must be aware, that in a widely-extended and thinly-populated colony, such as this is, it has been necessary to proceed with caution in arrangements upon which the regular supply of food to the troops and convicts mainly depended.

With respect to the third point adverted to in your letter, namely, the superfluous examination of accounts in the deputy commissary-general's office, I have communicated with Mr. Laidley upon the subject; and their Lordships will perceive, by the Return of persons intended to be retained on the commissariat establishment from the 1st March next, that the numerous clerks hitherto employed in the examination of these accounts have been reduced.

I have to add, that the permanent establishment of the commissariat of accounts has been fixed as directed by your letter; but it has not hitherto been found possible to appoint the provisional board which you authorized for the examination of the arrear store and provision accounts between the 25th December 1828 and 24th December 1830.

The attention of the assistant commissary of accounts was directed to this object very shortly after the receipt of your letter; but his best endeavours have not been able to engage the assistance of persons qualified to undertake such a task. The reduction in the commissary of stores' department, to which I have alluded, will probably place out of employment some persons whose previous habits and knowledge of business may enable them to proceed advantageously and expeditiously with the proposed examination. I shall not lose sight of any means of carrying it into effect without further loss of time, and, as nearly as circumstances will permit, in the manner which their Lordships have pointed out.

I beg leave to observe, that I have not only found the greatest readiness on the part of deputy commissary-general Laidley to carry the reductions recommended by their Lordships into effect, but that he has himself been the promoter and adviser of most of those which took place previous to the receipt of your letter; and that he has, on all occasions, manifested the greatest desire to conduct the business of his department with the least possible expense; so much so, indeed, that I have found it at times necessary to restrain his wishes in this respect, lest the public service should suffer by too rapid a reduction.

246. You state that there is a great difficulty in completing contracts in the colonies?—There has been; and in the years 1829 and 1830, to which that paper refers, there were very considerable failures on the part of the contractors, and but for the foresight of the officer at the head of the commissariat, the military would have been put to very great inconvenience; but feeling it a difficult matter for the contractors to carry their engagements into effect, he had provided supplies in case of emergencies, and those supplies were very provident, and neither the troops nor the convicts sustained any inconvenience in this respect.

247. Then you think it is doubtful whether such a plan would answer?—The colony is so much improving, and persons of property and substance are now induced to undertake the contracts, that there is a prospect of the system obtaining generally with advantage.

248. The letter which you have put in is a reply to a Treasury letter of 1832; can you furnish a copy of that letter?—I can.

249. You advert in the memorandum to the peculiar nature of the duties on which the troops are engaged; can you state distinctly to the Committee the peculiarities of the duties of the troops in New South Wales, which render a greater amount of commissariat necessary?—The allusion has a twofold bearing, partly to the peculiar duties of the military which are consequent upon the custody and control over the convicts; all gangs of convicts are necessarily guarded and watched by parties of military, and as they are distributed about in various directions, the expense and difficulty of maintaining the troops, as well as the convicts, is of course considerably augmented.

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250. And that is the peculiarity in the service of the troops to which you advert?—It is peculiar, inasmuch as there is no other of our colonies which is a convict colony.

251. Do you conceive that the troops are distributed in smaller parties in New South Wales and in Van Diemen's Land than in the rest of our colonies?—I imagine it is so in New South Wales, because I apprehend that there are more detached stations for military parties in that colony than there are in other colonies.

252. Taking the number of troops, you consider that they are broken into smaller bodies in those two colonies than they are generally?—I believe that to be the fact.

253. You also state that everything required for the ordnance service is supplied by the commissariat, except arms and ammunition?—The commissariat department has hitherto been charged with the care of military and other buildings; and as no ordnance department has been established in New South Wales, duties very much like the duties of the ordnance department have been fulfilled in that colony by the commissariat, and the department have been required to provide, either by contract or by purchase in the market in detail, all articles required for buildings for public works.

254. Is not that the case in the colonies generally?—It is the case in the colonies generally that the commissariat provide building materials, &c. upon the spot, but the duty has been more considerable in New South Wales in consequence of the numerous buildings which have been commenced there, consequently requiring a larger supply of those articles, and distributed in different directions.

255. So that that creates a substantial distinction in point of quantity between the duties of the commissariat in New South Wales and elsewhere?—It does.

256. Has there not been an engineer officer sent out to take charge of the civil buildings?—The arrangement is just now completed.

257. Do you consider that the 4,800 convicts under the care of the commissariat in these two colonies require more duty from the commissariat than an equal number of troops would require?—Decidedly. I will give one instance: the rations of the convicts are of seven different descriptions, and each of those seven rations is under modifications according to circumstances. Heretofore the difficulty and embarrassment arising out of the supply to convicts has been a subject of very great loss to the public, inasmuch as it was almost impossible to give a correct account of the subsistence of the convicts, from so much confusion that was unavoidable in the issues, and consequently in the accounts.

258. Does nothing of that kind apply with reference to the military?—No; the military are all supplied with one particular ration, from which there is no deviation.

259. And consequently to observe and regulate those variations constitutes a very considerable portion of the duty?—It has in former times been productive of very great embarrassment, but the plan of subsisting the convicts has been brought into a certain degree of form and system within the last few years, which has in a great degree removed the difficulty.

260. Are there any other duties which the commissariat discharge with reference to convicts, and not with reference to troops?—All the supplies that are required for the convicts are provided by the commissariat upon the spot.

261. Including many that are not provided for the troops?—Yes, certainly, clothing and implements; the convicts being many of them employed upon the roads and public buildings, and all the tools and implements required have been provided through the commissariat.

262. Can you furnish the Committee with a copy of one of the requisitions from New South Wales, taking such an one as will afford a fair specimen of the articles required in that colony?—Certainly. I believe the Committee are aware that by recent arrangements many of those articles will no longer be required from this country; but in fact the labour of the commissariat will be increased upon the spot, by their purchasing there what would be otherwise sent out by cargo from this country.

263. Have the commissaries any duties to discharge connected with the officers who are placed over the convicts?—No; they have no control over the arrangements of the convict service: that department is under the management of a superintendent of convicts.

264. As regards the pay of those officers?—I am not prepared to answer as to the pay

pay of those officers; all the money necessary to the convict service is supplied through the commissariat.

265. In fact you consider the establishment as low as it can possibly be for an effective discharge of duty, taking all circumstances into consideration?—I think so. The officer at the head of the commissariat is an officer of approved talent, upon whose discretion the Treasury may reasonably rely; and as has been observed in General Bourke's letter, he is himself particularly anxious to make every fair reduction of which the service is susceptible.

266. In the Return which is before the Committee in the Appendix of the Report of last year, the value of the provisions and stores for military purposes is stated; can you furnish the Committee with the amount of expenditure carried on through the commissariat, for convict and other civil purposes?—It appears from an estimate prepared in the colony, prospectively for the year 1833, that the gross amount for convict expenditure in the colony is upwards of 82,000*l.* Against that sum of 82,000*l.* it was expected that there would be recovered from the colonial government, or from other sources stated in the estimates, 23,485*l.*, leaving the net convict expenditure 58,560*l.*

267. You have stated already that you consider the care of 4,800 convicts, supposing that to be the number, much more than equivalent to the care of 4,800 soldiers?—I think so, certainly; if it were only in reference to the difference of the rations.

268. Can you give the Committee an idea of the proportional difference between the care of 4,800 convicts and the care of as many soldiers?—It would depend so much upon local circumstances that it is difficult to say; it must depend so much upon the dispersion of the troops.

269. Taking them dispersed as they are?—I think an estimate might be prepared; I will endeavour to form one as well as it can be prepared.

270. Have you any further paper to put in before you conclude your evidence?—As explanatory of the passage in General Bourke's letter, I wish to put in the following paper.

[*The Witness delivered in the same, which was read as follows:*]

PROPOSED DISTRIBUTION and APPROPRIATION of the COMMISSARIAT DEPARTMENT, for the Year 1834, viz.:

SYDNEY.

Deputy Commissary-general James Laidley - -	- General superintendence.
Office of the Deputy Commissary-general:	
Deputy Assistant Commissary-general { Howard - -	- Treasury department.
Deputy Assistant Commissary-general { Jones - -	- Local correspondence.
Commissariat clerk Hickey - - - -	- Schedules of tenders and returns.
- - Ditto - - Drummond - - - -	- Copying clerk.
General Accounts, both arrear and current:	
Commissariat clerk Moodie Wilson - - -	- Cash accounts.
- - Ditto - - Skene Craig - - - -	- Provision and stores.
Cash office:	
Assistant Commissary-general Miller - - -	- Accountant.
Deputy Assistant Commissary-general Walker -	- Pay lists and pensioners.
Deputy Assistant Commissary-general Lamont -	- Books.
Commissariat clerk J. S. Hindmarsh - - -	- Copying clerk.
Provisions:	
Deputy Assistant Commissary-general Arnold -	- Accountant.
Commissariat clerk Tyre - - - - -	- Sydney and out-station accounts.
- Ditto - - Elder - - - - -	- Assistant to ditto.
- Ditto - - R. Hindmarsh - - -	- Storekeeper.
Dry Stores:	
Deputy Assistant Commissary-general Stafford -	- Accountant.
Commissariat clerk Halloran - - - -	- Bookkeeper.
- Ditto - - M'Donald - - - -	- Storekeeper.
- Ditto - - Green - - - - -	- Ditto.
Superintending officers at out-stations:	
Deputy Assistant Commissary-general Bowerman	- { Districts of Paramatta, Liverpool, Myrtle Creek, St. Vincent and Illawarra.
Deputy Assistant Commissary-general Birch -	- { Blue Mountain district, Windsor and Lower Hawkesbury.

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Deputy Assistant Commissary-general Goodsir	-	- District of Bathurst.
Deputy Assistant Commissary-general Paty	-	- Lower and upper district of Hunter's river.

Penal Settlements:

Moreton Bay	Deputy Assistant Commissary-general Owen - -	- In charge.
	Commissariat clerk Welman - - - - -	- Storekeeper.
Port Macquarrie	Deputy Assistant Commissary-general Ackroyd -	- In charge.
	Commissariat clerk Still - - - - - -	- Storekeeper.
Norfolk Island	Deputy Assistant Commissary-general Vaux - -	- In charge.
	Commissariat clerk Stevenson - - - - -	- Storekeeper.

Commissariat-office, Sydney, 19 December 1833. (signed) *James Laidley*, D. C. G.

On the arrival of Deputy Assistant Commissary-general Kent at head-quarters from Moreton Bay, another clerk will be discharged.

(signed) *J. L.*, D. C. G.

271. Can you furnish the Committee with a Return of the strength of the commissariat from the year 1828 up to the present time?—In the year 1828, the number of persons employed in the commissariat was 65; in the year 1831, the number was reduced to 51; in the year 1833, further reduced to 38 persons; and from the 1st of March 1834, a still further reduction to 29 persons, being less than one half of the number employed in the year 1828.

272. Is it capable of further reduction?—It is possible that some small reduction may be made when the ordnance arrangements are matured; an ordnance establishment is about to be formed in the colony, and the commissariat may thus be relieved, but not much, for they will have still to make all the purchases required for the ordnance.

273. Can you prepare any similar statement with reference to Van Diemen's Land?—I can.

274. Are you aware whether there have been any material reductions there?—No, there have not been, within my recollection, material reductions.

275. Do you suppose that any excess prevails there?—Probably some reductions may be effected, but the Treasury have not lately given any instructions to that effect, because it was in contemplation to establish an ordnance department there; and it would depend much upon the mode in which that department was to be established, what effect it would have prospectively upon the commissariat.

276. Is that measure likely to be taken soon?—It is now in the course of adoption.

277. As the number in the commissariat department has diminished materially from 1828 to 1834, has the number of convicts diminished in the same degree?—The number of convicts has always had a tendency to increase rather than diminish; the reduction of the commissariat has arisen mainly out of improved arrangements in the mode of conducting that branch of the service.

General Sir *Peregrine Maitland*, called in; and Examined.

General Sir *P. Maitland*.

278. YOU were for some time the Governor of Nova Scotia?—From August 1828 to January 1834.

279. You see from the returns the amount of the staff and the force in Nova Scotia?—Yes.

280. Is it your opinion that any reduction in either is practicable, with a due regard to the efficiency of the service?—I think, scarcely. The force there is not so large as it was before the last war with America; there were then stationed there four regiments above 1,100 strong, now there are four regiments on the present reduced establishment.

281. From the four regiments in that command, you furnish one to New Brunswick?—Yes.

282. A detachment to Prince Edward's Island?—Yes.

283. Do you furnish anything to Newfoundland?—Nothing to Newfoundland; a detachment to Cape Breton.

284. Is the necessary duty required of the troops in that command severe, or is it comparatively slight to what it is at home?—During the term of my command the soldiers had generally, but not always, three nights in bed. A regiment has since that period been removed.

285. But

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285. But the posts have been diminished since that period?—Yes, of necessity, since the regiment was taken away.

286. You said that there were scarcely any reductions that could be made with justice to the public service; did you mean that there were any reductions of any kind that could be made?—The matter duly considered, any reduction could, I think, scarcely be deemed expedient. I am not aware of any that I could recommend.

287. Are there troops generally stationed at Annapolis?—Yes.

288. To what amount?—There are about three companies at Annapolis, sometimes more, and there is a detachment of artillery generally there; the amount of force at the post varies a little according to the strength of the regiments, and it is sometimes influenced by other circumstances: the strength of the detachments has probably been reduced since the removal of the 8th regiment.

289. So that with this reduction you think they have hardly so much as three nights in bed?—I think not more.

290. But under the circumstances you have mentioned, you consider the force as not disproportioned to the duties to be performed, and not larger than is absolutely necessary?—I think not.

291. Will you look at the printed Return for the ordnance department, and say whether you think that there is any reduction that could be effected in that establishment with advantage?—I cannot say that there is: the ordnance department is so little under the control and inspection of the general officer, that an officer of the artillery or engineers would be more competent to answer this question.

292. Will you look over the return for the barrack department, and say whether you think there is any reduction that can be effected in that department?—That is in the same manner under the ordnance.

293. With respect to any of the establishments at New Brunswick, are you able to speak as to the propriety of making a reduction?—My former answer will apply equally to New Brunswick.

294. What is your opinion with regard to the necessity of keeping up the posts which have been reduced, taking the safety of the colony into consideration?—I think that there is not too large a force in the colony, more especially while the boundary question remains open.

295. Independently of the boundary question, do you consider that the colony is overstocked with troops?—No.

296. Contemplating a period of profound peace in Nova Scotia, do you consider that the posts might be reduced so as to diminish the amount of force necessary for that colony?—Profound peace may terminate suddenly. I should say, if reference is not to be had to the local situation of the North American colonies, and peace could not be interrupted, still the reduction could not be material.

297. Will you have the goodness to explain that answer with regard to local situation?—I allude to the extensive and exposed frontiers of the North American colonies.

298. Are the military employed with regard to local gaols?—Yes; in Halifax and some other towns.

299. Do you think that necessary?—Prisoners have frequently escaped from the colonial gaols, sometimes aided from without. Prisons better constructed would diminish, no doubt, or remove the necessity.

300. What is the amount of force that is employed over the gaols?—It varies according to circumstances.

301. Is it the system of the colonies to employ the troops to guard other posts than those required for army purposes and army stores?—I have stated that they furnish sentinels over the gaols when required by the civil authorities to do so.

302. Are the military employed in Nova Scotia, taking the question generally, to perform duties which civil officers are here employed to perform?—The military in the colonies, as in Great Britain, may be required to act in cases of riot. They assist (and have rendered most important service) when fires occur. May be called on to assist in the apprehension of smugglers, and such other duties, whatever they may be termed, as the military are required to perform in Great Britain.

303. If the colonial government were to provide for the due custody of the prisoners there, and for the ordinary police purposes, might not a considerable portion of the troops that are employed now be dispensed with?—No.

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304. Do you think the amount of nearly a regiment is employed in those duties? – No, not in guarding the gaols; nothing like it; perhaps 20 men.

305. There are 56 men on detachment at Annapolis; is that detachment necessary?—Yes, I think it very necessary.

306. There is a detachment of 275 at Fredericktown; do you consider that necessary?—Yes, certainly.

307. There are 200 men at St. John's, New Brunswick; do you consider that necessary?—Yes, certainly.

308. There is a detachment of 27 men at St. Andrew's, New Brunswick; do you consider that necessary?—Yes.

309. There are 49 men at Cape Breton; are they necessary?—Yes.

310. There are 64 men at Prince Edward's Island; do you consider that necessary?—It is a separate government, and the governor reports that he could not do with less. He asked for an addition when the number was less.

311. Do you consider that 1,300 or 1,400 men are too many for Halifax and its dependencies?—No.

312. Are those answers given with reference to the present duties and employments of military in that country, considering civil as well as military duties?—Those answers are given in reference to the state of things as I left them.

313. Could not a reduction of about 50 or 60 men be made if the colonial government were to take charge of the gaols by a local police or otherwise?—Taking into consideration that you must always have troops off duty ready to act in case of fire, disturbance, or other casualties, I think not; for the reasons also of a more general nature which I have given.

314. That is embracing in your view the circumstance that New Brunswick and Nova Scotia are not insular in their position, but as being continental states, you do not think that any reduction could be safely made?—I think not.

315. Is there not an effective and popular force in New Brunswick called out on emergencies?—I conclude this question points to the militia. The militia of New Brunswick assemble one day in the year. They had four days in the year assigned for training: the legislature has reduced the number of days to one only. This is the amount of time allotted to their instruction.

316. Have you any knowledge of the circumstance as to whether the Americans on the other side of the frontier have an equal or superior description of popular force disposable?—I think that our militia is fully equal to the American militia; of course the latter is far more numerous.

317. Our popular force then being equal to the popular force of the Americans, have the Americans an equal or inferior regular force to ours upon the same line?—The amount of their regular force stationed on the line varies; but it must be recollected that our American colonies present a frontier of about 2,000 miles in extent; that an enemy can concentrate and make his attack on any part of that frontier when and where he pleases.

318. Are you not of opinion that it may be economical with regard to the whole of the armed force, not considering who is to pay them, and expedient, to embody for certain periods of the year part of the militia force of New Brunswick and Nova Scotia?—Labour is so valuable in the colonies, that with the pay you must give the militia to make it proportionate, I think it would not be economical.

319. Would it be expedient, bearing in mind the efficiency?—They certainly would not be as efficient as a regular force; but I consider the plan as altogether impracticable.

320. Did your experience in New Brunswick lead you to believe that that species of force was unpopular with the people of New Brunswick?—The people of New Brunswick constitute that force. The neglect of their farms and their fisheries, which the embodying of it would necessarily involve, is an obstacle to its being popular with them.

Martis, 31° *die Martii*, 1835.

SIR JOHN BYNG, IN THE CHAIR.

Lieut.-Colonel *Horatio George Broke*, called in; and Examined.

Lieut.-Col. *Horatio G. Broke.*

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321. YOU have been some time on the staff at Nova Scotia?—Yes.

322. How long?—I was there from October 1831 till the end of July 1834; nearly three years.

323. In what situation?—As deputy quartermaster-general.

324. You have also been for some time on the staff of that department in other stations?—I have.

325. From your staff situation in Nova Scotia you are of course aware of the distribution of troops in that province?—Yes, I am.

326. You are aware of their precise amount?—I could speak to them nearly, I should say.

327. Are you of opinion that any of them could be reduced, either in amount of force or entirely?—No; I think they are all as low as they ought to be kept; all the detachments are decidedly as low as they ought to be, and it has been the object to keep them so.

328. When did you leave Halifax?—I left Halifax on the 1st of August last.

329. At that time had the 8th regiment been removed to the West Indies?—It had been removed a twelvemonth or more.

330. Did the removal of that regiment occasion a difficulty in the performance of the requisite duties?—Very great difficulty; so much so that the detachments that were absolutely necessary to be kept up were obliged to be reduced more than I believe they had ever been; some of the detachments that had always been considered desirable to be kept in the country were altogether called in at that time, and the artillery were called upon to take that share in the duties of Halifax itself, and the harbour posts, which they had never done before.

331. Was an application consequently made by Sir Archibald Campbell to have that regiment replaced?—An application was made immediately by Sir Archibald Campbell.

332. Did the 83d regiment arrive previous to Sir Colin Campbell's arrival?—Yes, the 83d regiment arrived before Sir Colin Campbell.

333. When did Sir Colin Campbell arrive?—Six or seven weeks before I left.

334. What are the number of regiments now in that command and its dependencies, including New Brunswick?—In Nova Scotia and its dependencies, including New Brunswick, there are four regiments.

335. In the amount of the military staff there do you think any reduction, however small, would be practicable?—I think it is utterly impracticable since the reduction of the deputy adjutant-general. I think it is impossible that the staff duties can be carried on with any further reduction.

336. There are several charges for boats and boats' crews; are they absolutely necessary?—I do not think there is a boat employed which is not necessary. They were all under my control, as having the charge of the harbour posts.

337. There is an allowance of 720 *l.* for clergymen for performing divine service; at how many stations is there a clergyman?—I am not aware of the number of clergymen; I know there is a clergyman at Halifax. I am not able to say whether there is any military chaplain appointed at other stations besides Halifax; but I know that at each station divine service is performed.

338. What posts were discontinued when the number of troops were reduced by the departure of that regiment?—That at Annapolis, for a time; (it had been replaced when I left Halifax;) and that at Windsor, which had not been replaced: and I beg also to observe, the duty of the detachment at York Redoubt was taken by the artillery. That is a harbour post.

339. How many men were employed generally at York Redoubt?—They averaged generally 20 men; a subaltern and 20 men.

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340. How long did any outposts continue unoccupied?—Annapolis and Windsor continued unoccupied from the departure of the 8th regiment, about June or July, till the arrival of the 83d regiment in July in the following year, when Annapolis was re-occupied.

341. They were vacant a year?—Yes.

342. Did any inconvenience arise from these posts being vacant during that time?—No inconvenience arose during that period.

343. How many men were employed in Windsor?—A subaltern and 20 men only.

344. There were no complaints in consequence of these posts being unoccupied?—No.

345. No inconvenience having arisen during the time they were unoccupied, do you consider it is absolutely necessary that they should be occupied?—I consider it extremely desirable that Annapolis should be occupied. It is at a very considerable distance, a distance of 120 miles, from Halifax; and in the event of military assistance being required, all that country at that distance being so far removed from Halifax, of course a considerable length of time would elapse in sending troops; and in the event of any additional assistance being required in St. John's or New Brunswick, they can be immediately passed over by steam-boats across the Bay of Fundy to New Brunswick.

346. You have given an opinion that no reduction should take place in the number of troops employed in Nova Scotia; is that with reference to the internal wants of the colony itself, or with reference to external affairs?—It is with reference to the wants of the colony and its dependencies. There is always a captain's detachment at Prince Edward's Island, and a captain's detachment at Cape Breton: with these and the other detachments, there are not more men left at head-quarters than there ought fairly to be, to take the duty without its pressing too hard upon the men.

347. Then the opinion has no reference at all to any question of hostilities with any other power?—Decidedly not.

348. Do you think 1,400 men are required at Halifax for the duties of that station?—Decidedly.

349. Without reference to the line of frontier which it is necessary to guard?—Yes, without any reference to the frontier.

350. Were the militia called out during the time you were there?—No, they were not; except for one or two days, to be inspected by the inspecting field officer.

351. You have never seen them?—I have seen only the militia of Halifax; I have seen the Halifax militia occasionally, when they have volunteered their services on occasions of sham fights. On such occasions they have taken a part in the sham fight.

352. Do you know whether there is any regular force on the American frontier?—They have a post on our frontier. What the number of men is I do not know; I imagine not more than 300.

353. On the whole line of frontier?—Yes, on the frontier of New Brunswick. I speak not from having been there myself, but from having heard it repeatedly from officers who have been to the posts.

354. Have they any militia force on the frontier?—No, they have no militia force embodied.

355. Is the militia force a popular force in Nova Scotia?—I should say it is, certainly.

356. How are the officers and men paid when embodied?—They are paid by a vote of the House of Assembly.

357. At what rate?—I cannot say; I have never known them embodied at all.

358. Could you, except by compulsion, obtain their services at the same rate of pay which you give to British soldiers?—Not the whole body of them, I should think, but I conceive that in the event of a war you would always be able to raise voluntarily a very considerable force of the militia. I do not imagine the whole body would turn out at that rate of pay.

359. Is not the pay very inferior to that which they can obtain by labour or by any work as artizans or labourers?—The pay is very inferior to what can be earned by artizans. Up the country there is so great a scarcity of money that the agricultural labourers are always obliged to receive a very considerable portion of their pay in goods.

360. Are

360. Are there not a considerable number of persons unemployed as artizans or labourers during a portion of the year, from the severity of the climate?—Yes, during the winter season.

361. Are there not also a considerable number of unemployed emigrants who would be glad to enlist in the militia force?—The greater portion of the emigrants who visit Nova Scotia are Irish, and arrive there under very mistaken ideas of what they are to find. I have no doubt a proportion of them would readily enlist in the militia, in any way in which they could get immediate provision. They arrive out there in considerable numbers, being totally mistaken as to what they are to expect, for in fact there is nothing to be done for emigrants in Nova Scotia. There are a great number who arrive there every year, who come direct, and there are many more who are driven there by shipwreck off Cape Breton and the eastern coast, all of whom find their way to Halifax, and as there is no possible employment for them in the province, they are obliged to be pushed on as fast as possible. These who have money generally make their way to the United States; but as that is the case with few of them, it is a heavy tax upon the inhabitants of Nova Scotia to provide for emigrants of that description, and therefore a great number of them would readily enlist as a matter of desperation; but if they had any money they would not.

362. Then taking that into consideration, and taking into consideration the difficulty of finding employment for emigrants or other labourers at all seasons of the year, in consequence of the climate, do you think there would be any doubt of finding a sufficient number of men for the militia at as low a rate of pay as British soldiers?—Emigrants without money would enlist; but I think it would be against that feeling of independence which the old colonists have, to enlist, unless war were to break out. I think then there would be a very strong feeling, a feeling of attachment to their country, which would induce them to enlist, independent of the pecuniary inducement.

363. Bearing in mind that the service required would not be a permanent service as in the line, but merely for a limited period as in the militia, do you think there would be any difficulty in obtaining persons to enlist?—To what period does the question refer?

364. Say five years?—I think there would be more difficulty than in this country. I think it would be more difficult, because those persons who would readily enlist are chiefly to be found about Halifax. They are not to be found in the country.

365. Do you mean to say the facility of raising any militia would not be among the natives, but the strangers of the colony?—Certainly, except during a war.

366. And that facility would naturally be very precarious?—Certainly.

367. Supposing the experiment were tried, and it succeeded to any extent in obtaining the service of a number of persons in the militia, do you, in a military point of view, see any objection to employing a proportion of that force, and releasing an equivalent proportion of the regular force of the country?—If it were possible to have the militia as perfectly trained as our militia were during the late war, I should see no objection to a certain portion, but I doubt that being practicable. I do not think you could find officers qualified for the militia; and for that reason I have very strong doubts indeed about their becoming efficient.

368. Was not the excellence at which the militia arrived in the late war occasioned by their being embodied for several years?—Unquestionably.

369. Was it ever suggested to you, or have you ever turned your attention to the point as to the practicability of raising a colonial corps in the Canadas for the services of the colonies exclusively?—No, I never considered that question.

370. What is your opinion of the practicability and efficiency of a corps raised in Canada for the especial service of that colony?—I should very much doubt whether the duties could ever be carried on so satisfactorily as by the troops of the line.

371. Will you give your reason?—I think the duties would always be better carried on in a young colony by troops of the line, who have not any of those local feelings or attachments which might occasionally influence the militia.

372. Supposing a corps were raised of emigrants or other persons who would enlist for the special service of the colony alone, do you think there would be any difficulty in raising such a corps; and if raised, would there be any objection in employing them to a certain extent with the troops of this country?—If they were well

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well officered, and in a small proportion to the troops of the line, I then should see no objection, but everything depends on the officering. If I understand the proposition, it appears to me, if they were raised from those emigrants who in going out there find they are mistaken in their views, and would be ready to enter the service, it would amount very much to enlisting the same class of men that you would probably get by enlistment in this country.

373. Do you see any objection in a military point of view to the employment of such a force, if it was sufficiently officered? Do you think such a force could be raised for the service of the colony?—I think it would be very objectionable; I think it would be very difficult to bring a corps so composed into discipline. I think the class of persons from whom you would be obliged to raise that corps are men who go out with the idea of feeling themselves perfectly at liberty, most of them glad to throw off the restraints of society which they are subjected to in their own country, and I think there would be extreme difficulty in disciplining a corps so composed.

374. Would not generally those who enlist be the least industrious and the worst characters?—Certainly.

375. And consequently less desirable and less serviceable?—Certainly.

376. From your experience as a military man, have you not found that when persons of that character have enlisted, their habits are so changed by the discipline of the service, that they become totally different characters to what they were before they enlisted?—As long as they are under regular discipline; but it will be recollected that generally, except on those occasions where regiments of men are raised at once, when old officers and non-commissioned officers are sent to them, our men come in by small numbers at a time into the regiments of the line, where discipline is throughout thoroughly established, and they find themselves obliged at last to bow to that discipline. There is no question in that case, that many of those who have any natural good sense about them, from seeing the example before their eyes that those who are well conducted and who are amenable to discipline get forward, while, on the contrary, others are constantly subjecting themselves to punishment, would become reformed and exceedingly good soldiers and good members of society.

377. Are the class of emigrants who come out, of that description, that either from age or size you would object to enlist in this country generally?—There are plenty to whom one would make no objection as to age or size coming from Ireland, but a great number of them with large families; and if you enlist these men, every man who is enlisted entails an additional burthen upon the country.

378. Are there not a number of young men attached to the families who come out, who might probably enlist? Is it not the practice for families that all its members, young and old, come out together?—I believe it is in many instances.

379. Are there not young men in those families who would be likely to enlist in the King's service?—There are some, but the proportion is not large.

380. Do you think it probable that the young men who go out, or that the emigrants who go out to Nova Scotia, would volunteer at the pay of the regular troops?—Some of them, who have no money.

381. Supposing Government should decide on trying the experiment, do you see any military objection to the nature of the force?—One great objection I see arises from a doubt whether, embodying the corps at once from those materials, you could ever have them efficient, so as take the place of regiments of the line.

382. Are many of the King's troops now in Nova Scotia employed in duties which in this country are considered civil duties; such as guarding gaols, as police, or anything of that description, foreign to anything that is generally considered military duty, as guarding stores or as guards?—There are some guards over gaols, but there are not many men so employed.

383. You have stated, that in your opinion a corps might be raised of the unemployed emigrants in Nova Scotia?—Yes, it might be raised by degrees.

384. Those unemployed emigrants are persons who have gone out from this country under the influence of false expectations?—Precisely.

385. Consequently, when they arrive in the colony they are disappointed men?—Yes.

386. What, in the present state of affairs, when they are not enlisted in the military force, usually becomes of these persons?—They become a severe tax, mainly upon the town of Halifax: during the summer there are constantly subscriptions made, with a view of getting these men sent forward. There are exertions

exertions made to send them into different parts of the country, where they may procure labour; but those who are really disposed to assist themselves by any means, keep working on until they get generally through New Brunswick into the United States. There are subscriptions made constantly, and individuals give assistance to families to send them out of the country into the United States; so that they find that generally by the close of autumn, there are not a great many that have arrived in the spring or summer that have not somehow or other found their way out of the country. Those who remain invariably find their way to Halifax in the winter, knowing it is the only place where they can look for charity, and become an extremely severe tax upon the inhabitants.

387. Adverting to the circumstance that the great body of them escape from Nova Scotia, and find their way into countries where labour is dear, and where consequently they can turn their labour to advantage, do you think that the condition of that class of emigrants would be improved by the adoption of the plan which has been suggested, namely, their enlistment in a colonial corps?—I should say that it would take a considerable time to form a colonial corps, inasmuch as you would only induce those to enlist who found that they had no possibility of getting inland, inasmuch as they come out to be independent; and if they possibly can be independent, they will not enlist. I am disposed to believe that if you enlisted 50 men in the spring, you would lose 25 within the next six months by desertion. I believe the majority of all the men you would enlist in that way would, whenever they had money in their pockets, desert, and would eventually entail a very severe expense upon the Government.

388. You have stated that a number of desertions would probably take place in the event of the formation of a colonial corps; can you quote any historical circumstance in support of that opinion?—There are too many desertions from the regiments of the line stationed there; and it is considered not right to keep a regiment in New Brunswick, being close to the boundary, more than three years, and by the expiration of that time it is found that they begin to desert, sometimes in numbers; and therefore I am satisfied, if that is the case with the regiments of the line, that it would be in a tenfold degree the case with men who are generally emigrants of the lowest class of society, and who have gone to that country with a view of getting in any way they can into the back settlements of the country, and being independent. I am satisfied that whenever those men had 5*s.* in their pockets, they would desert.

389. Are you aware that a regiment was raised in Nova Scotia during the late war?—I am not aware of that.

390. Do you conceive that the employment of such a colonial corps would be less costly than the employment of British soldiers?—Decidedly not: much more expensive.

391. Under any circumstances?—If you are to pay them as British troops, I am satisfied the desertions alone would render them infinitely more expensive than the employment of regiments of the line from this country.

392. Would not those desertions be confined to the stations in New Brunswick more than to any other part?—Certainly not; there would be more desertion from New Brunswick, but there are plenty of facilities for getting out of Nova Scotia.

393. Do you think there would be any difficulty in raising a certain number of men in Ireland for a colonial corps of that sort for a limited service, to go out for 10 or 12 years?—I dare say it would not be difficult, but that corps must be kept a very considerable time in this country, I should say several years, before it could be considered fit to send out there; and I do think it would be a very unadvisable measure, inasmuch as I believe that the majority of people who enlisted in that corps would enlist with the positive intention to desert when they got out to Nova Scotia.

394. Supposing a colonial corps were established with the same pay as a British corps, does it not follow as a matter of course that, taking into consideration the relief necessary for British troops, there must be a considerable saving to this country from the employment of such a colonial force?—The only expense saved would be simply the conveyance of the regiment.

395. Do you not take into consideration also the number of troops in this country which are necessary to be kept up in order to relieve the troops in the colonies?—If you have four regiments of the line in Nova Scotia and New Brunswick, and if you withdraw one and establish a colonial corps, and pay that at the same rate, I see no diminution of expense.

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396. How often are the regiments of the line relieved in Nova Scotia?—In about 10 years; I believe the 96th, which is coming home this year, has been out 10 years.

397. Would not the organization of such a corps at once begin with the expense of organizing a new regiment, and the bounty of enlistment?—Yes, certainly.

398. Would it not also add the reduction of a regiment of the line, and their several pensions?—Certainly.

399. Supposing the officers not to have their half-pay, but to be transferred to the new regiment?—The expense would then be reduced in proportion to the number of officers transferred.

400. Are you acquainted with the constitution of the commissariat establishment at Nova Scotia?—I know exactly the composition of it.

401. What class of persons are appointed commissaries-general in that country?—One of the regular deputy commissary-generals is sent out there from this country. It is a deputy commissary-general's post.

Robert William Hay, Esq., Under-Secretary of State for the Colonies; further Examined:

R. W. Hay, Esq.

402. WHAT is the amount of force of Newfoundland?—The amount of force for the year 1833 was 292 rank and file. In the year 1834, as appears by the Consolidated Return which is before the Committee, it was lower; 276 rank and file.

403. What is the distribution of force in Newfoundland?—I have obtained this distribution from the Adjutant-general's office, and I will now give it in.

[*Vide* Appendix.]

404. What is the governor's salary of Newfoundland, and that of his immediate predecessor?—The governor's salary of Newfoundland at present is 3,000*l.* a year; that of Sir Thomas Cochrane, his immediate predecessor, was 4,200*l.* until 1828, when it was reduced to 3,000*l.* Before that time Newfoundland was a naval station, and the command was conjoined with that of the admiral. The salary, therefore, as governor was small, varying from 500*l.* to 1,000*l.*

405. Does that salary include all professional pay?—The officer who commands there is a captain in the navy, who does not enjoy his half-pay.

406. Is there a government house?—There is a government house at Newfoundland, the building of which commenced as far back as 1825. In consequence of a report from the governor as to the dilapidated state of the house, an estimate was sent home, but rejected as being too high. A subsequent estimate was sent in, which amounted to between 8,000*l.* and 9,000*l.*, and that was agreed to. It was afterwards ascertained that there were so many accessaries required to complete the house, which had not been included in the original estimate, as would amount to a sum of nearly equal, viz. 8,000*l.* or 9,000*l.* That was greatly objected to, and the major part of the second additional estimate was taken off. Still there were some items which had not been taken into account, and which must be paid for. The whole expense of that house has been considerable; I should say not less than 15,000*l.*

407. Was it furnished?—There are certain rooms furnished in the government house in all our colonies; the rooms for presentation, and those only.

408. The rest are furnished at the expense of the governor?—They are.

409. From what fund is the governor's salary paid?—The governor's salary is paid from the customs' duties.

410. Is there not a vessel or yacht for the governor's use at Newfoundland?—Yes, there is, and it was first established when the admiral who commanded at Newfoundland, ceased to be the governor also. It was then determined, as it was intended that a King's ship should no longer be kept permanently on the station, that it would be found necessary to have a vessel of some size under the governor's orders, to enable him to communicate with Nova Scotia and with the distant parts of the government, there being no roads or next to no roads in the island; and also to convey the judges on their circuits, more especially to the coast of Labrador.

411. What is the amount of expense?—The contract for the vessel is 2,300*l.* a year.

412. Could not a smaller vessel, one of less cost, suffice?—I think it not impossible

possible that a smaller vessel might answer the purpose; and it may perhaps be done at this time, though not so easily until this period, since it is understood that the assembly of Newfoundland have decided on dispensing with the services of the judge at Labrador, so that it will no longer be necessary to keep up a regular communication with that quarter. I should think that a smaller vessel with fewer hands might be employed.

413. What amount of saving do you think it is possible might be effected in that?—It would depend on the number of hands, and the description of vessel which might be substituted. I should suppose a schooner with 10 or 12 men would answer the purpose.

414. What is the size of the vessel now?—The vessel is a brig of 170 tons.

415. How many hands has she on board?—She has 21 hands.

416. Then you think half the size of the equipment would be sufficient?—That is my impression; but at the same time I should wish the late governor to be examined on this subject, who has more local knowledge than I possess.

417. What is the amount of the colonial revenue?—About 16,000 *l.* a year.

418. What is the amount of the population?—The population is upwards of 60,000; but it varies, from the circumstance of its being a fishing station.

419. Are there any public works going on at the expense of this country in Newfoundland?—I am not aware that there are, of any extent.

420. Are there any reductions that you can propose in that command?—I am not aware of any, except that in the vessel which I have already alluded to. I think that might be reduced.

421. Is there a lieutenant-governor of Newfoundland?—No.

422. Was there not a correspondence or proposal made by the colonial government to pay all the expenses attached to this colony, if they were allowed some contingencies?—I presume the arrangement is alluded to by which the colonial assembly was given to the province of Newfoundland.

423. Did not they offer then to pay all the expenses?—They held out the strongest hopes that they would be able to pay all the expenses of the civil establishment, but they have not succeeded in doing so. If the Committee will refer to the colonial estimates for the year 1833, they will find a letter from the Colonial Department on the subject, in which the whole case is explained; and they will see that although no distinct pledge was given by the province, yet that an expectation was held out that if the wishes of the colonists were complied with in regard to a legislative assembly, they would provide for the civil establishment out of colonial funds.

424. Has that expectation been urged upon the colonial assembly?—It has in the strongest way; but the assembly have urged that they had no means of meeting the expense of the civil establishment, the customs' revenue having fallen off considerably, and they have therefore entreated aid from the British Parliament.

425. In short there is a question of considerable difficulty pending in reference to that?—Yes; the question is now under the consideration of the Government.

426. What is the amount of force at Bermuda?—The amount of force for Bermuda for the year 1833, was 575 rank and file. In the two preceding years it was considerably more: in 1831, 1,081; in 1832, 1,145. That in 1834 appears in the Consolidated Return now printed for the use of the Committee.

427. What was the reason of the force being so large in 1831 and 1832?—It arose from an apprehension of mutiny on the part of the convicts.

428. What is the distribution of force at Bermuda?—I will deliver the distribution, which I have obtained from the Adjutant-general's office, and which is made up to the latest period.

[*Vide* Appendix]

429. What is the governor's salary, and that of his immediate predecessor?—The governor has 2,195 *l.* upon the colonial estimates, and 585 *l.* from the colonial fund. He receives no staff pay, although he is a major-general, but allowances to the amount of 252 *l.*

430. Making how much in the aggregate?—Rather more than 3,000 *l.* a year.

431. Is there a government house?—There is a government house.

432. Is that furnished for him?—Only in the same degree as in other colonies.

433. What is the amount of the colonial revenue?—The colonial revenue is about 10,000 *l.* a year there.

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434. What is the amount of population?—The population is rather above 9,000.

435. Does that include the convicts?—No.

436. What are the number of convicts by the last return?—The number of convicts by the last return was 1,100.

437. Are there any public works going on at Bermuda at the expense of this country?—Bermuda is a great naval station, and there are certain fortifications in progress which were considered necessary for its security: 7,000 *l.* is proposed in the ordnance estimate this year for this work. The original estimate was 129,000 *l.*, of which 98,000 *l.*, including the proposed vote of this year, has been already granted, leaving 31,000 *l.* to be provided in future years.

438. Is there any yacht or vessel attached to the governor of Bermuda, as at Newfoundland?—No, there is no vessel appropriated to his use.

439. Can you propose any reductions in the island of Bermuda?—I am not aware that there are any practicable. The governor has been written to in consequence of the instructions sent out last year on the appointment of this Committee, and he has been unable to propose any.

440. I think you said there was 2,000 *l.* odd paid to the governor; does that include the sum paid to him out of the 4 ½ per cent. duties?—He has no longer any sum paid to him out of the 4 ½ per cent. duties. That is paid by Parliament. It was in consequence of a report upon civil government charges in 1831, that the salaries of certain West India governors, and that of the governor of Bermuda, hitherto paid out of the 4 ½ per cent. duties, were put upon the colonial estimates.

441. Would it not be possible to make an arrangement by which the governor's salary should be paid altogether out of the colonial fund?—I should apprehend the colony is not rich enough to do that.

442. Do you know what they do with the rest of the money, after paying the part of the salary he receives from them?—No, I am not aware of the details; but the sum which the assembly have at their disposal after paying the civil establishment is very small.

443. From what source does that fund arise?—Chiefly from customs' duties.

444. The whole military and civil establishment, and the expense of these works, is paid by this country, by the Treasury here?—Not the whole of the civil establishment, only that portion of it which is paid by a parliamentary vote. The estimate for military expenditure is a separate matter.

445. Do you know what proportion of the civil expenditure of Bermuda is paid by the Treasury of this country?—The expenses of the civil government are about 10,000 *l.* a year, and the parliamentary grant is about 4,599 *l.*

446. Does it come into your department to consider the relative general expenditure of this colony as compared with other colonies?—No doubt it does.

447. Why is the general expenditure of this colony so extensive as compared with other colonies, taking the whole expenditure of the colony at 10,000 *l.* a year?—I am not aware that the general expenditure of the colony is extensive as compared with others. The 10,000 *l.* a year to which I alluded is to defray the expenses of the civil government.

448. That has nothing to do with the expense of troops?—Nothing whatever.

Martis, 7° die Aprilis, 1835.

THE RIGHT HONOURABLE SIR JOHN BYNG, IN THE CHAIR.

General Sir *Hilgrove Turner*, called in; and Examined.

General Sir *H. Turner*.

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449. YOU were some time Governor of Bermuda, were you not?—Yes.

450. Will you state from what time, and until what time?—I was appointed in the autumn of 1825, or rather I was appointed before, but I set out to go in the autumn of 1825 to Bermuda. I embarked in December, and landed in Bermuda in the month of February 1826.

451. What was the amount of force at the time you assumed the command?—It was increased afterwards; but at the time I assumed the command, there was one

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one regiment of infantry, two companies of sappers and miners, and a very small portion of artillerymen.

452. Was that force afterwards increased?—Yes; there was another battalion of the line sent, and there was a company of artillery, with a lieutenant-colonel commanding it. It was made necessary on account of the ill-behaviour of the convicts.

453. What was the greatest amount of force you had at any one period during your command?—There were two regiments of infantry, two companies of sappers and miners, and a company of artillery; and while the fleet was there, there was a naval force. They were not under my command, but they certainly very materially assisted me while I was there, in respect of the convicts.

454. Are the convicts together in a kind of barrack?—No; they are all afloat.

455. But they are landed daily for the works?—Yes.

456. And require a guard for their superintendence?—There was always a guard stationed near their work; but at one period, when they got to be so very disorderly and mutinous, I was obliged to put a guard on board one of the ships. Indeed, the keeper refused to go unless I did. Though I was cautioned from the Home Department not to put soldiers as guards, yet the exigency of the case was such, that I was obliged to do it.

457. What is the duty required at Ireland Island?—There was always a detachment there; a battalion that was part of the force of St. George's was in Ireland Island on account of the convicts. The detachment consisted sometimes of one company and sometimes of more, but that depended upon the commissioner of the dockyard requiring troops.

458. What were the duties required to be done by the troops at Ireland Island?—There was no further duty for the military there than as a guard over the convicts.

459. What is the necessity of a station at Mount Langton?—No more than that it is the governor's residence. There was a small detachment of a serjeant and 12 men.

460. It appears in the return of the staff there are three town-serjeants in Bermuda; are they all necessary?—The only officer that I had as assistant was a brigade-major, who certainly was assisted by a town-serjeant; but the extreme dispersion of the troops might have required more officers than would otherwise be necessary. Those parties that were in Ireland Island, and those that were in St. George's, and latterly, those that were in Hamilton, might have required them. I had but one officer to assist me.

461. At how many stations in the island is divine service performed?—Where there were troops. There was a battalion in the barracks of St. George's; there were small barracks in Ireland Island previous to those that were afterwards fitted up with the fortifications; and there was a hired barrack at Hamilton. Those were the three places where divine service was performed.

462. Was the extra regiment that you applied for sent out before your departure from this country?—Yes, it was.

463. Was that removed before you left the island?—No.

464. In what year did that extra regiment arrive in Bermuda?—I should suppose that it was about two years there. All my papers I left at my office at Bermuda, but as far as I can guess, I should say two years.

465. In what year did you leave the island?—I left the island on the 2d of April 1832. I was relieved before that; but as I had been so long in a hot climate with my family, I did not like bringing them home in February. I was relieved in February 1832, but I was detained a month or two in consequence of not liking to bring them home at that season.

466. With respect to the clergyman, Ireland Island is entirely under the superintendence of the commissioner of the dockyard?—The naval chaplain is entirely under the commissioner.

467. Are the duties of the naval chaplain so great at Ireland Island, that the detachment from St. George's might not attend divine service at that chapel without paying another clergyman?—Certainly, they might.

468. It appears there is another clergyman at present paid for that duty?—Yes, there is; Mr. Mantack.

469. He receives an allowance at present for doing the duty of the troops at Ireland Island?—Yes.

470. But the clergyman who is at the dockyard might discharge the whole?—There was some reason for appointing an additional clergyman; whether the

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chaplain at the dockyard could not do the whole duty, or what, I do not exactly know the reason why, and I thought it might have been done by one clergyman for the whole; but whether there was no church, or what, I do not know. There was some reason for it; but certainly one clergyman could do the duty for the troops, though at the same time, I must say, not that of the convicts: being obliged to be at the different ships, that service required a great deal of time and labour. This is entirely under the commissioner.

471. The soldiers in Ireland Island, when they are sick, are sent to the naval hospital?—They are.

472. And are visited by the naval chaplain?—They are.

473. On board how many ships are the convicts placed?—I think there are five; but whether it is four or five I am unable to say positively. It is now three years since I left the island, and that part of their arrangements I did not have much to do with, so long as they were kept in order; it was under the commissioner.

474. Are Gibb's-hill, Fort Cunningham, Hen Island and Fort George, signal stations?—Yes, and Mount Langton and the Admiralty House, but not Hen Island.

475. And there is an officer in charge of those stations?—A non-commissioned officer, I believe.

476. Do you think the situation of the officer in charge of those signal stations is indispensable?—They are island situations chiefly. It is necessary that some one should look over them, and that the duty should be left to a non-commissioned officer. The officer did not reside there, I know, except when they wanted the barracks at one time. They were under the superintendence of some of the officers; but that is an island situation, that of superintending the signals.

477. It appears that there is an allowance of 252 *l.* per annum for clergymen; how many clergymen are allowances made to? It says allowances to clergymen, but it does not specify the number?—With respect to the clergymen, I must say that the convict duty brings on a great deal of labour for them, whatever duty belongs to the dockyard.

478. Do you happen to know the number of clergymen who are in receipt of this allowance, which is stated at 252 *l.*?—There are but two that were ever appointed to Ireland Island, one immediately under the commissioner, who was stationed as a naval chaplain, and another clergyman that I had allowed for the detachment there, besides the regiments at St. George's and Hamilton.

479. Does it appear to you that either of these clergymen could be got rid of?—If it is thought that the convicts could do without divine service, they could be got rid of.

480. Does it appear to you that there was adequate employment for the clergymen who received these allowances?—I think so, when you recollect that we could not have above two convict crews in one ship to hear divine service.

481. Was service performed in each of the convict ships?—Not in all the ships, because by putting two crews of convicts in one ship, that made but one service for two.

482. Are you of opinion then that any reduction can be effected in that particular item of allowances to clergymen without detriment to the performance of the duty?—I think not. Service in a hot climate like that is ten times more difficult than it is in our own.

483. Those two clergymen were clergymen of the Church of England, and educated as gentlemen?—Yes.

484. And they had to perform the service for 1,100 convicts in four or five convict ships?—Yes.

485. As well as for the troops?—Yes, as well as for the detachment of troops that were on shore at Ireland Island; besides, the whole of the dockyard attended of course, for they had no other church to go to.

486. Are we to suppose that 252 *l.* 4 *s.* was the entire amount that was paid to the clergymen for overlooking the convicts?—That was not in my department. One of them was entirely in the naval department, which I had nothing to do with, and the commissioner asked me to let the other clergyman go to assist there for the service of the convicts, because it was only upon sufferance that our troops went to their church when they had one.

487. Then does some part of that charge consist of an allowance paid to the naval

naval chaplain?—I suppose so; it did not go through my hands; this is the first time I have ever heard the amount.

488. Are you of opinion that any of the religious services which are performed by these clergymen might be dispensed with without detriment?—No, I am not.

489. With respect to the staff-assistant surgeon there; are his services necessary, considering the medical staff that is with the regiment?—At some periods certainly, and at other periods not. It depends upon the health of the garrison.

490. Is there not a medical officer with the artillery?—Yes.

491. Do you consider that the services of the staff-assistant surgeon as well as of the medical officer of the regiment and of the artillery are requisite?—It depends upon the health of the garrison. If there is much sickness in the garrison, certainly the staff-surgeon is necessary then; but there are periods when he certainly is not necessary; when there is but little sickness.

492. Are the troops generally healthy, or not?—I cannot say they are in general healthy. The quantity of rum they drink is so very prejudicial, and particularly since they made that change in the allowances, for formerly they used to give a gill of rum to each soldier with the three waters the same as they do in the navy, and that was put with his mess in the barracks.

493. Does the staff-assistant surgeon attend the convicts?—No.

494. There is a separate medical establishment for them?—Yes, entirely for them. The convicts are entirely under the commissioner, except as relates to keeping them quiet.

495. What is the necessity for a naval tank-keeper?—Wherever there is a tank there must be a tank-keeper, otherwise it will be injured and robbed, water is of so much value.

496. I perceive the payment for it is 79*l.* 1*s.* 6*d.* I would ask whether you think that duty might not be done by some one of the garrison with a small remuneration in addition to his pay?—Certainly.

497. By a non-commissioned officer or a steady man in the regiment at 6*d.* a day?—Yes, and giving him his lodging, because the tanks they had at St. George were very extensive indeed, and they very frequently were broken open, in consequence of which there is a small house that the tank-keeper has.

498. Is it required that he should be a mechanic at all?—No; he should understand the turning of the cocks and the water, which I do not think there is any difficulty in understanding. I think 6*d.* a day would not be sufficient, for the duty is important; he must give up his whole time to it.

499. I see there is a garrison boat kept at an expense of 77*l.* 11*s.* 5*d.* per annum?—Yes, a sailing boat.

500. It is called a garrison punt, with a pilot and two boatmen?—Yes.

501. Is that absolutely necessary?—Yes, absolutely necessary, for with the continued water-carriage they have there, they would be cut off from all means of sending assistance or provisions, or any thing else. It is made up of small islands.

502. In addition to that there is 203*l.* 4*s.* for four labourers and boatmen in the department of the storekeeper of the Ordnance?—If it is in the Ordnance department, I do not think that boat so necessary as the garrison boat. It was kept so completely to themselves that I never could benefit by it myself. They never would let me touch it.

503. There are four boats altogether; one belonging to the engineers, one to the garrison, one to the ordnance, and one to the commissariat department?—There are.

504. Are they all necessary?—If they were put under a proper regulation, so that they could be under one head, and that they could be used for His Majesty's service, I think they would be useful; but if the whole four draw one way, and another another, they are not of much use. I never could send the garrison boat at a time it was absolutely necessary to be taken up. It was constantly on the water, and the others I had nothing to say to. The commissariat let me have theirs more than the other departments.

505. Are you aware that there is an allowance to the storekeeper of the ordnance department of 24*l.* 11*s.* 7*d.* per annum?—Yes; for a horse.

506. It is stated to be for travelling allowance?—As that gentleman never would allow me to have his boat, I rather wonder how I signed that; but the commissary brought me the allowance for the horse, and as the storekeeper never had a horse, and never used a horse, and kept the boat to himself, I thought there was no reason why he should have that allowance, and I struck it off.

 507. There

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507. There is also an allowance to the servant of the storekeeper of 27*l.* 7*s.* 6*d.* per annum?—I do not know of the custom of the artillery in these respects, and, therefore, I cannot answer that.

508. It appears that the charge of 24*l.* 11*s.* 6*d.* for the storekeeper is not for horse hire, but travelling expenses; and if he has no horse, his travelling expenses would be more considerable from his not having a horse?—He has his boat, which is far more convenient. In fact, he could not go with his horse to several of the places, because they are islands.

509. The travelling expenses may have reference to the boat, or the charges for horse and travelling expenses?—I did not know that was allowable to any of the officers that were sent round, for travelling expenses. If I sent an officer to Ireland Island or elsewhere, no expenses were charged; but I do not know what is the custom in the ordnance. I should not have permitted or allowed travelling expenses for any department belonging to me.

510. I believe Mr. Philips, the storekeeper, is an elderly person, and has been a great many years in the service?—He is certainly a much younger man than I am; but still he may be to a certain degree elderly. He was at Newfoundland before he came to Bermuda.

511. I believe he has been a storekeeper since 1798?—I did not understand that. He may have been so, because what happened out of the island, or before I arrived, I am not acquainted with.

512. Might not the barrack-master do the duty of storekeeper, or the storekeeper do the duty of barrack-master?—I should think not all. The storekeeper has a great deal to do with the navy.

513. Do you consider an assistant commissary-general and two deputy assistants necessary?—That is a department that communicates with the Treasury. I had nothing to say to them any more than to the ordnance.

514. Can you inform the Committee whether they are necessary, from the duties they had to perform?—No; I am not aware of the duty they had to perform.

515. Has not the storekeeper considerable duties to perform where there are 1,100 convicts?—The storekeeper has nothing to do with the convicts.

516. Are you aware that the barracks now are all under the ordnance; and, therefore, the barrack-master and storekeeper need only be under one department?—I am aware that was so, and in respect of several circumstances that happened, to my great regret, that were prejudicial to His Majesty's service.

517. That would do away with the objection that the barrack-master and storekeeper would be under two departments?—Yes; the barrack-master is now entirely under the ordnance.

518. The barrack-master and the ordnance storekeeper are under one department?—Yes; there would be nothing to clash otherwise; there would not be two masters.

519. Can you give the Committee any information respecting the bakery, as there appears to be a great number of bakers?—They have so much to do with contracts and in money matters of various kinds, that I cannot very well answer as to the duties of the commissariat.

Colonel *William Smelt,* called in; and Examined.

Col. *Wm. Smelt.*

520. YOU were some time in Bermuda, were you not?—Yes.

521. Commanding a regiment?—Yes.

522. From what period to what period?—From November 1830 to November 1832.

523. At the time you were there had you one or two regiments of the line?—Two regiments.

524. Was the duty required such as to make that force necessary?—No, I do not know that it was at that time; but I believe before we went the convicts were breaking out. They were rather alarmed about them, and we were sent as an augmentation regiment in consequence of the state of the convicts there.

525. That second regiment has subsequently been withdrawn?—It has.

526. What is the daily amount of force required for the duties there?—At St. George there are only two sergeants' guard, for the barracks guard and the town guard. Then there is Ireland Island, which is a distinct place, about 18 miles distant, where the naval department is. Their guard was about a sergeant and 15 men, in general.

527. The

527. The duties are quite sufficient to require a whole battalion there?—I should think they were, of the present strength of the battalion, six companies.

528. Do you consider that the medical staff assistant-surgeon is necessary, considering there is the medical staff of the regiment and a medical officer of the artillery?—I should think he was necessary for Ireland Island, because a large detachment goes there, and in case of sickness they would require a medical man.

529. Would not the assistant-surgeon of the regiment go there?—Yes; but in case of sickness they would be without a surgeon at St. George.

530. Where are the artillery stationed?—The artillery used to be stationed at Fort Cunningham; but they have been at the Royal barracks since I came away.

531. Then you are of opinion that one staff assistant-surgeon is necessary?—I think so.

532. Is it necessary to have an officer in charge of the signal station?—No, I should think not. There was none in charge of the signal station when I was there; the fort adjutant had charge of it.

533. It appears that he received double pay for that?—He had charge of the signals and other things, and I believe he had to keep it in repair; to provide the halyards or ropes.

534. Are you aware that there are four different boats kept by the government, for the different departments?—There were three, I think, when I was there.

535. Are they all three necessary?—During the time the works were going on at Ireland Island I should think they were, for there is a great deal of communication required between the Island and St. George.

536. Are there not constantly works going on there?—There was during the time I was there, and I believe even now. I believe the military works may be finished; but I heard that the naval works were not to be finished for some years to come.

537. Are you of opinion that an assistant commissary-general and two deputy commissary-generals are necessary?—The assistant is necessary, but perhaps one of the deputy assistants is sufficient; though there again you must have somebody at Ireland Island to issue and to take charge.

538. For what service is the bakery employed?—For the troops generally. I do not know whether it is employed for the navy or not.

539. I believe in most garrisons abroad the bakers are chosen from the regiment; soldiers are employed as bakers?—If they have them, they generally take them.

540. Are the troops generally healthy in Bermuda throughout the year?—Yes, I should say they were.

541. I believe there is one season of the year when there is a Bermuda fever?—I was fortunate enough not to be there at that time, but I have heard there is.

542. Are spirits given with the rations to the troops?—They were when we first went there, but they were discontinued.

543. Finding it affected the health of the troops?—I do not know. I rather think it was better for the troops to have that quantity, for many reasons.

544. For what reasons?—In the first place, we had so little fresh provisions; we only had fresh provisions twice a week, and the water is very bad at times. The system I adopted was to have spirits mixed under the officer's eye, and issued at dinner time, and then it prevented the men from going into the canteen between that and parade; and they were quite satisfied with that. It certainly prevented the men from going to the canteen during the day.

545. Are spirits not used to excess there?—Yes, and everywhere else, I am sorry to say.

546. Are spirits very cheap in Bermuda?—Yes, very cheap; cheaper than they are in the West Indies.

547. They are brought from the West Indies?—Yes.

548. Are the barracks very extensive there, and has the barrack-master very heavy duties to perform?—I should think, very; they are very extensive at St. George's and Ireland Island.

549. Quite sufficient to occupy one person?—Yes, and a great deal more so. Sometimes they cannot communicate; the communication is cut off between Ireland Island and St. George's.

550. Do you happen to know whether the duties of the storekeeper are very

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considerable?—Yes, I think they are. He has charge of the naval stores as well as of the military stores.

551. Is it your opinion that it is possible for the same officer to perform the duties of storekeeper and of barrack-master?—No, I think not. I know the situation of barrack-master is a very difficult and arduous situation.

Captain Sir *Thomas Cochrane*, late Governor of Newfoundland, called in; and Examined.

Captain Sir *T. Cochrane.*

552. YOU were for some time Governor of Newfoundland?—Yes.

553. When did you come home?—I returned home in the end of November last.

554. What was the amount of military force you had under your command?—The military force appropriated to the colony originally was three companies of veterans, (a veteran battalion, comprising three companies,) and a company of artillery.

555. Was that the amount of force you left there?—That was the nominal amount of force; but the number never was complete after the force was first sent out.

556. How long were you governor of Newfoundland?—I was governor nominally for near 10 years. I was actually there, with occasional leave of absence, nine years.

557. Can you inform the Committee whether it is practicable to make any reductions either in the military or civil departments of Newfoundland?—Certainly not in the military department; on the contrary, I think the military force at present there, as I have represented to the Government at different periods, inadequate to the proper performance of the regular garrison duty, and that it has fallen with undue severity upon those men who have been there. I think if the corps appropriated to Newfoundland were kept complete, they would be sufficient for the service required of them; but they have always been incomplete and inefficient, both in respect of the number and description of men.

558. What should be the number for the effective state of the corps?—The number for the effective state of the corps should be about 300 or 310, rank and file.

559. It appears that it is under 230?—Yes, it has been very low indeed. To give the men four nights in bed, which really is quite little enough in that rigorous climate, it requires 170 privates to give the proper relief; and supposing the corps complete, it will leave only 50 men for contingencies.

560. Are there any detached to different stations?—No, there are not; but it might become necessary to send a detachment to another district; and if so, the garrison, as now constituted, could not afford it. There are not men sufficient to do the regular garrison duty.

561. It appears from some evidence before the Committee, that there is a yacht kept for the use of the governor; do you consider it absolutely necessary that a yacht should be kept up, or so large a vessel as at present?—I think it is quite necessary that the vessel should be kept up. The size at present is not more than adequate for the purpose for which she is wanted. She is not wanted exclusively for the governor's use; she is required when necessary to send detachments of troops to different parts of the islands, and she should be able to carry them. She has also occasionally to go to Halifax for the mail, or in other services: she has had to go to England with despatches, and she has been sent to cruize when complaints have been made of the conduct of the French with respect to the fishery, and to prevent smuggling, and other duties. I do not think a smaller vessel would be sufficient. It was originally a question whether a man-of-war should be employed or a colonial vessel; and the Admiralty were very much averse, and I think with reason, to employing a man-of-war. The duties are irksome as well as troublesome, and the probabilities were that it would bring the governor and the captain of the man-of-war into conflict from his not being under his immediate command, and the service would not be as efficiently performed; and moreover, the expense of a man-of-war of the same description, or of that description which would be calculated for the service which the yacht has to perform, would be more than double that of the colonial vessel. I suggested to the Secretary of State there should be two colonial vessels, in which case the man-of-war which is annually sent there might be dispensed with, unless in some case of emergency;

emergency; and I think that would be the cheapest arrangement, and I am not certain that it would not be the most efficient. Captain S.r *T. Cochrane.*

562. Is the yacht an armed vessel?—Yes, she is armed with eight small guns, and has 20 men altogether. In answer to the question, whether there is any possibility of reduction in the military establishment there, I am not aware of anything further, (particularly as I understand one commissariat officer has been reduced, and I think there was one more on that establishment than necessary,) excepting that it appears to me at present there is no necessity for a field officer of engineers there. I think a subaltern would answer the purpose. There are no works going on, and nothing for an officer to do. 7 April 1835.

563. You had a field officer, or captain, and a subaltern?—There is a field officer and a subaltern, no captain.

564. Are there any works going on now?—None whatever. There are works contemplated and planned, but I apprehend it will probably be a long period before they are undertaken.

565. Is Placentia in Newfoundland?—Yes, but that is an abandoned work.

Colonel *Thomas Burke*, called in; and Examined.

566. YOU were for some time stationed at Newfoundland?—For seven years. Col. *T. Burke.*

567. In what capacity?—I was commanding the troops there as senior officer.

568. At what period did you leave Newfoundland?—I left it in 1831.

569. What do you consider the amount of military force necessary for the duty of Newfoundland?—A little more than there is now. There are three companies of veterans now, but I never thought them sufficient; the climate is so very severe I never thought them sufficient. I always thought there might be a fourth company there with advantage.

570. The climate during the winter is very severe upon the troops?—Very severe indeed.

571. They are chiefly veterans?—They are all veterans, except the artillery.

572. The troops receive their rations, do they not?—Yes, like the other troops of the army on foreign stations.

573. Do they receive spirits with their rations?—Yes.

574. Are they in general healthy?—They are. It is a very healthy place, but they drink too much; rum is too cheap there. I have seen several brought to the hospital drunk, and die in an hour afterwards.

575. Are you aware of any reduction that can be made in the military staff attached to the government?—I am not aware that there may be any made. The staff is very small; there are two engineers, two commissaries, and a fort major. There are no other officers.

576. What is the commandant of Newfoundland?—He commands the troops.

577. Were the two commissaries at Newfoundland when you were there?—There were three. One since that has been reduced.

578. Do you consider the two are necessary?—I believe so.

579. What have they to do beyond furnishing rations to the troops?—Nothing; rations and pay to the troops. They formerly acted as treasurers for the issue of money, but they are not now so employed: a treasurer has been appointed by the legislative assembly.

580. Do you think that one commissary could not do all the duty?—I suppose he might; I am not certain as to that.

581. Do you consider that a field officer of engineers might be removed, and the corps be left to the command of a junior officer?—If there are no works going on, then he might, but not otherwise.

582. Were there any works going on when you were there?—Not latterly.

Francis Robert Bonham, Esq., a Member of the Committee, Examined.

583. CAN you account for the amount of salary paid to Mr. Philips, storekeeper at Bermuda, amounting with allowances to 551 *l.* 4 *s.* 7 ½ *d.* per annum?—Mr. Philips having been employed as storekeeper from the year 1798, is entitled to the highest salary of that rank; having been appointed storekeeper at Bermuda in 1818, previous to the King's warrant of December 1825. *F. R. Bonham*, Esq. M. P.

584. On his removal, what will his successor be entitled to?—His successor will be entitled to a salary of 250 *l.* per annum; and whatever may be the length

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of his services, the maximum of his increase will be 350 *l.* In addition to that Mr. Philips is entitled to 24 *l.* 7 *s.* 6 *d.* a year for horse-hire and travelling expenses, by an old Ordnance regulation; and that warrant of 1825 entitles all storekeepers to a certain amount of travelling expenses. The allowances in fact for travelling expenses and servants are altogether 51 *l.* 15 *s.* That makes 511 *l.* He has allowances in kind also; rations for himself and man servant.

Jovis, 9° die Aprilis, 1835.

SIR JOHN BYNG, IN THE CHAIR.

Robert William Hay, Esq., again called in; and Examined.

R. W. Hay, Esq.

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585. WHAT is the amount of force in Canada from the last returns we have in 1834?—The amount of force in Canada appears to be 2,408 in the year 1834.

586. Can you give us the distribution of the forces?—I have a return from the Adjutant-general's office, made up to the end of March, and I now give it in.

[*The Return was handed in.*]

587. Have you the means of stating to the Committee the amount of forces kept up in the Canadas prior to 1816?—By a comparative return which I have before me, it appears that in 1792 there were 2,800 men in Canada; in the year 1814 there were 16,288. The consolidated Return, which is already before the Committee, will furnish the number for subsequent years.

588. Does the command of the commander of the forces extend beyond the province?—Lord Aylmer, the commander of the forces, has command over the whole of the North American provinces.

589. And he is responsible for the proper distribution of forces?—No doubt he is.

590. What is the extent of frontier towards the United States?—I should suppose it must be nearly 1,000 miles.

591. What is the militia force in each province?—The militia force in the Lower province amounts to 94,000 men; that of the Upper, to 34,000 men.

592. Has any systematic plan been pursued for putting those provinces in a proper state of defence?—A military commission was appointed in 1825 for the purpose of inquiring into this matter; and a very full report on the subject was made to the Government by the engineer officers appointed to this duty.

593. Has that report been acted on to any considerable extent?—The commissioners recommended that a citadel should be erected at Quebec; that certain works should be constructed at Point Henry at Kingston. The Rideau Canal, which forms a back military water communication between Lake Ontario and Montreal, formed part of the general plan for the defence of His Majesty's North American provinces.

594. Is the citadel at Quebec completed?—The citadel at Quebec is completed.

595. Did not the commissioners recommend the construction of a citadel at Montreal?—Yes, they did.

596. Has that been done?—It has not been done.

597. Is Kingston still kept up as a naval station?—It has been altogether abandoned as a naval station. The sum of 7,000 *l.* is voted for fortifications there, in the ordnance estimates of this year.

598. Is the Rideau Canal now opened?—The Canal has been opened since the autumn of 1832.

599. Have you any return of the amount of tolls collected annually?—The amount of tolls between the 31st December 1832, and the same date 1833, amounted to 4,504 *l.*

600. Were not the Indian tribes employed as allies in the wars of this country with the United States?—They were, in both the American wars.

601. Were they paid as soldiers, when so employed?—They received rations, but no pay, I believe.

602. Do they receive any pay or emolument in time of peace?—They receive no pay; but presents are issued to them annually.

603. Of

603. Of what do those presents consist?—Various articles of dress; clothes, blankets, needles, knives, tobacco, working utensils, beads, &c.

604. Has any attempt been made to substitute more useful articles?—It was at one time intended to commute the presents for money; but the governor of the province represented that such a plan would be extremely objected to. Since that time a certain quantity of implements of husbandry have been supplied in lieu of other presents: and this has been done with the view of improving their habits of life.

605. What is the salary and emolument of the present governor of Lower Canada?—The salary of Lord Aylmer at present is 4,500*l.* civil salary, and his staff pay as lieutenant-general, with allowances, amounting to nearly 2,000*l.* more. In 1832 he had the same allowance of civil salary, but his allowances as commander of the forces amounted to nearly 4,000*l.*; so that he has suffered a reduction lately of nearly 2,000*l.* a year.

606. What is the salary and emolument of the lieutenant-governor of Upper Canada?—Sir John Colborne, the present governor of Upper Canada, has 3,500*l.* a year as civil salary; he enjoyed, until the year 1834, 3,000*l.* a year civil salary, and his staff pay as major-general. It is not intended that the salary of his successor shall be more than 3,000*l.* a year.

607. Altogether?—Altogether.

608. What was the salary of their immediate predecessors?—Sir Peregrine Maitland had 3,000*l.* a year and his staff pay as major-general.

609. That is in Upper Canada?—Yes. Sir James Kempt, in the Lower province, had the same pay as Lord Aylmer, when he first took the command.

610. From what fund are the civil allowances paid?—The civil salary of the commander of the forces was, until 1832, paid from the proceeds of certain duties levied under the Act of 14 Geo. 3. When those duties were given up to the Assembly, it was expected that a civil list would be granted, from which this salary would have been paid. This not being acceded to by the Assembly, Lord Aylmer was directed to charge his salary on the land and timber fund. In point of fact, however, the Assembly having refused to pass any supply bill, Lord Aylmer has only been enabled to receive a proportion of his salary from the funds which are at the disposal of the Crown; the deficiency for the year 1833 was last year ordered to be made up from the military chest. In the Upper province, Sir John Colborne's salary is paid from the casual and territorial revenue.

611. What is the amount of the revenue of each province?—The revenue of Lower Canada amounts to about 130,000*l.* per annum; that of the Upper province to something between 70,000*l.* and 80,000*l.* per annum.

612. Have those revenues increased much within the last 10 years?—They have been in a course of progressive increase until lately.

613. What is the population of Lower Canada?—By the returns of 1833, the population of the Lower province is 368,449; that of the Upper province, of the same year, 296,544.

614. Is there any reduction contemplated by the Colonial Office in Canada?—I am not aware of any being in contemplation.

615. The appointment of governor and lieutenant-general, held by Major-general Strutt and Lieutenant-general Dilkes, will cease at the expiration of their lives?—Yes; they belong to the class of non-effective garrison appointments, and will not be renewed after the death of the present holders.

616. What is the sum allowed to the commander of the forces in America?—Lord Aylmer at present enjoys 4,500*l.* per annum civil salary, and allowances amounting to nearly 2,000*l.* per annum, as I have already stated.

617. Have you a return of the military appointments, corrected up to this period?—I have it as far as the names of the parties are concerned and their appointments; but it is not perfect with regard to their pay and allowances.

618. Will you give in a return as nearly as you can furnish it?—I will endeavour to have it prepared in sufficient time for the next meeting of the Committee.

619. With regard to the militia of the Lower and Upper provinces, I wish to ask if they are armed, clothed and available for service, if wanted?—They are not armed; but there are ample stores in the colony, from which they can be furnished with arms and accoutrements in case of emergency. They muster only one day in the year; they have no clothing.

620. In fact the militia is nothing more than the registration of able-bodied

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men, who might be called out if wanted?—Yes, of all men between the ages of 18 and 60.

621. The arms which are in store, are they in stores where it would be possible to issue them at once to the different corps of militia throughout the provinces?—I take it they are in different depôts, in charge of the ordnance.

622. But not all kept in Quebec?—No; there are some also at Montreal and Kingston.

623. Is there clothing in store?—I do not know.

624. Are there muskets sufficient in store to arm the whole of their militia?—I apprehend there are only arms for a small body. It seems that in the Upper province the lieutenant-governor has commenced a plan of arming and training one company of each regiment, with the hope of creating an effective force of 4,000 or 5,000 men in case of emergency.

625. One company in each regiment, or one company altogether?—One company in each battalion.

626. Not each company in succession, but only one company?—One company in each regiment.

627. Then there is no portion whatever of the militia clothed, armed and regularly called out every year?—No, there is not.

628. Is the population enrolled in the militia so scattered as that they could not be easily brought together?—I imagine it would be impossible to collect them in a short time.

629. Would it be possible to collect them for the purpose of training once every year?—They are very unwilling to be taken from their farms and their own occupations. They have by law only one training day in the year.

630. Is there any other information you can give to the Committee respecting the Canadas?—I am not aware that there is any.

631. Do you consider that any reduction in the military expenditure can be made in the Canadas?—I think it will be found, when the Committee have examined the amended Return, that as much has been done in that way as is practicable.

Mercurii, 8° die Julii, 1835.

ROBERT GORDON, ESQUIRE, IN THE CHAIR.

The Right Honourable General Sir *James Kempt*, called in; and Examined.

Rt. Hon. General Sir *James Kempt*.

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632. HAVING heard the evidence of Mr. Hay read, have you any observation with which you would be kind enough to favour the Committee, relative to the military stations in Canada, and of any reduction which may in your opinion take place?—It does not strike me that there is any material reduction that could take place. I concur in the evidence which Mr. Hay has given the Committee; he appears to me to have a correct knowledge of the country and of the present state of Canada. I can state from my own knowledge, that every Government for the last 10 years have been anxious to reduce the military expenditure of Canada, by abolishing, when practicable, staff appointments, or diminishing the regular force; considerable reductions have in fact taken place from time to time, and I am not aware that the present military establishments in Canada can be reduced in any material degree. Indeed, the regular force now in that colony is, I believe, less by several hundred men than it was in 1792, a year frequently referred to in Parliament, when the military establishments of the country come under its consideration.

633. Has it ever appeared to you that the militia force in Canada might be rendered more efficient, and by being rendered more efficient, that the military establishments and the regular army might with safety be diminished in number?—Canada

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—Canada is very peculiarly circumstanced; it has a most extensive frontier to the United States of America, open in every point, and is for six months in the year without any direct communication with England. I am of opinion, that even if a considerable portion of the militia were rendered efficient, the small regular force now in Canada would nevertheless be necessary to support and give confidence to the militia of the colony. There are large depôts of military stores to protect in Canada, and there ought to be at all times in the country a regular military force sufficient for the protection of the town and citadel of Quebec, the only stronghold in the Canadas at present.

634. Does the plan that has lately been introduced into the Upper provinces, of training one company of each battalion of militia, meet with your approbation? —Perfectly; I believe training any portion of the militia under the authority of the Government is a judicious measure, and one which ought to be encouraged as much as possible.

635. Would you be induced to extend that same plan into the Lower provinces? —Unquestionably. In administering the government of Lower Canada, I did everything in my power to induce the legislature to pass an effective militia law; such as to afford the governor, at all times, the means of having a few thousand efficient militia in the event of any emergency; and I at one time entertained a hope that such a law would have been passed, it was thrown out however by the House of Assembly. The militia is a very formidable body upon paper, it consisting of the whole male population of the province between 18 and 60 years of age; but it cannot in its present state be considered a military force, for the existing law only requires that the companies shall be mustered once a year; and they are not trained in any way, or armed, or clothed, in time of peace.

636. Do you consider that the completion of the military works that have been constructed and are now constructing for the defence of Canada, when completed, will justify the diminution of the regular force of Canada?—I do not; I think the only works in progress at present are those at Kingstown, and when they are finished it will require the small number of troops that are stationed there for their protection.

637. So far from the military works, when completed, justifying the diminution of military force, you think that military force will be required to protect them?— Undoubtedly; these works are intended to cover our depôts, to keep up our communication, and to render the defence of the country more easy in time of war.

638. Look at the Return of the distribution of the forces, and see whether you think that in the detail any diminution could take place?—[*The Witness looked over the Return.*] The distribution is nearly the same as when I commanded in the Canadas, and is such as I approved of at the time; I am not of opinion that any material alterations can be made in it.

639. I think you gave an opinion just now, that the works at Canada did not tend to lessen the number of troops there?—The few military works in Canada will render a less number of troops necessary for the defence of the country in time of war; but they cannot be left unprotected in time of peace. Quebec is, in fact, the only place of strength in the Canadas.

640. Do you think the employment of an extra battalion more or less, could have any effect in regard to the question of peace and war in the United States of America?—Certainly not; if America was disposed to go to war, one additional battalion in Canada would, I apprehend, not prevent her doing so.

641. Suppose a question to arise between us and the United States of America, with regard to the boundary, would an extra battalion have any effect whatever in settling that question?—Certainly not in settling that question; but the officer commanding in New Brunswick would require the assistance of all the regular troops that could be sent him, to support the militia of that province; and the extra battalion would, I apprehend, be placed under his orders.

642. Would not that question, in a time of peace, be rather a question of negotiation than a question of opposition?—It is a question which will I trust be settled by negotiation between His Majesty's Government and the government of the United States of America. But the inhabitants of the State of Maine have shown a disposition to make inroads into the disputed territory, and the officer commanding in New Brunswick ought to have the means of repelling any attempt of that kind.

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643. What is your opinion with regard to the enlistment of emigrants who go out of this country; do you think it possible to enlist a number of emigrants, who are disappointed in their views of emigration?—The regiments do enlist men in Canada, whenever they are under their establishments; and any man who offers himself at the head-quarters is taken as a recruit, if fit for the service.

644. Do you think any great number of men could be raised for colonial service among these men?—No; they go out with a view of settling in the country and becoming farmers, and I do not think they are a good description of persons to enlist from.

645. Is it not the fact that a number of men go from England and are disappointed in their views of obtaining employment, and in consequence of not obtaining employment go over to the United States?—A great many go to the United States by way of Canada; I have no correct information with regard to the exact number, but I believe a considerable number do pass on to the United States.

646. Do you think it impossible to obtain a sufficient number of men of that description, English, British subjects, to form a colonial corps?—There would be no difficulty in forming a colonial corps in Canada, but it is a measure which I do not recommend; the military force kept in Canada ought, in my opinion, to be of the very best description of troops.

647. Do you think the class of persons that pass out from Canada to the United States, would prefer forming themselves into a colonial force at Canada, to going into the United States for the purpose of settlement?—No, I do not.

648. Do you see any objection in a military point of view to the employment of such a force, if it could be obtained?—The objection which I have to the employment of such a force is, that it would be very inferior to an equal number of troops of the line, and equally expensive to maintain. I fear that the officers and men, by being fixed in Canada, would become so connected with the people of the country, as to engage in occupations which would unfit them for their military duties; and as I observed before, the small force that is kept in Canada, in my humble judgment, ought to be of the very best description.

649. Do you think that, in such a force, the description of officers would be of an inferior kind?—I have no doubt that such would be the case; and considering the great extent of our foreign possessions, the whole British army ought to be for general service, and of the most efficient description, and be at all times kept in the highest state of discipline. It may frequently be necessary to withdraw a portion of the troops from one colony to render assistance in another, according to the emergencies of the service, and at a very short notice.

650. There would be no difficulty in removing them from one part of the province to the other, so as to get rid of the local prejudices?—None whatever in removing them from one part of the province to another. There were several fencible corps raised in the North American provinces during the last war, but they were very inferior to the regular regiments of the line, and equally expensive.

651. And would there not be a less degree of confidence?—Yes. The militia of the colony, when embodied, would have a much greater degree of confidence in regular troops, than in any other description of force: a certain portion of regular troops are as necessary in Canada, as the King's regiments are required in India, to support the native army of the East India Company.

652. Looking at their employment in time of peace, as a peace question, do you not think they would be sufficient for any purpose of the colonies in time of peace?—Colonial troops would be competent to perform the duties in time of peace; but as I before stated, they would be fully as expensive as troops of the line, and infinitely inferior to them in all respects. Quebec is now a very important fortress, and the small military force that is kept in Canada (now less than it was in 1792) ought to be of the very best description, and sufficient to protect it.

653. Are the troops in Canada at all employed in matters of police?—No; but a few are employed as guards on public gaols.

654. Are they employed in matters of police, in those situations in which common police are employed in this country?—No.

655. My question applies to the guarding of gaols?—The two principal gaols in Lower Canada are at Quebec and Montreal, and they have each a small military guard for their protection, to prevent the escape of prisoners; but the military have no charge of the persons confined in them, nor anything whatever to do with the interior management of the prisons.

656. Are

656. Are not felons confined in those gaols?—There are; turnkeys take care of them.

657. Are the troops not employed, to some extent, in performing those services which are in this country performed by the police?—No. The guards at the gaols are only employed in the manner I have before mentioned; but they have nothing to do with the internal police of the town. The military are liable (as in this country) to be called out by the civil authorities to quell riots.

658. In point of fact, men are employed in Canada in performing duties at a gaol, in which the military are not employed in this country?—Only as I have mentioned. In this country the gaols have, I believe, no military protection: a small non-commissioned officer's guard mounts daily at the two principal prisons in Lower Canada.

659. Is that owing to the comparative insecurity of the gaols?—Yes.

660. Might not those gaols be so improved as not to require a military guard?—Certainly; but the civil authorities of the country would, I think, nevertheless consider a small military guard necessary to prevent the escape of prisoners, I believe that in all the colonies such protection is afforded.

661. Would it not be very desirable that the gaols should be improved, so that it would not be necessary that they should be employed there?—The officers in the command of the troops are always desirous of diminishing as much as possible the military duties.

662. Was it ever brought under your consideration when you were there, whether it would not be more expedient to render the gaols stronger, and thereby to relieve the soldiers from the necessity of guarding them?—The improvement of the prisons at Quebec and Montreal was a subject which I brought under the notice of the legislature, and at my recommendation considerable sums of money were voted for that purpose.

663. In consequence of the sums of money being voted, did any reduction take place in the amount of troops required for the safe keeping of persons?—No. I think the gaol at Montreal was under repair when I left Canada; but a small guard, consisting of a sergeant and 12 men (to afford three or four sentries), will still be considered necessary.

664. At each gaol?—Yes; one at Montreal, and another at Quebec.

665. Do you not think gaols might be made sufficiently secure without the employment of troops?—Unquestionably they might.

666. Are they at present sufficiently secure?—I should say not, for prisoners did in fact escape both from the gaol at Montreal and Quebec when I was in Canada.

667. Do you think something ought to be done to prevent soldiers being employed in that service?—I think any measure that can diminish the extent of military duty is very desirable.

668. Would not that diminish it, so far as it goes?—The small guards that are attached to these two goals at Montreal and Quebec would be saved by it.

669. Suppose a number of prisoners were obliged to be removed from one place to another, would a military guard be required?—I have no recollection of any thing of the kind happening. If the civil power made a requisition to the military authorities, that any number of men were indispensably necessary to remove prisoners, no doubt such demand would be complied with, but I do not recollect any such request being made while I was in Canada.

670. Is it the custom to call out a military guard at Quebec, in case of common disturbances in the town?—No.

671. Nor in such cases as police would be able to manage here?—No such thing took place during the time I commanded in Canada.

672. Even if the troops were not to do duty at the gaols, do you think it would be expedient to reduce the present force?—I think it would be highly injudicious, for the reasons which I have before stated, to reduce in any way the number of troops now serving in Canada. It might be possible to take away one battalion, if a certain portion of the militia were regularly trained and always kept in an efficient state; but withdrawing any portion of the regular force now in Canada would, in my opinion, have a bad moral effect, and induce His Majesty's Canadian subjects to think that Great Britain attached less importance to the colony than formerly.

673. I think you said that, although keeping on the establishment a regiment more

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more or less, might not affect the general question of peace or war, still I suppose, if the reduction was carried below that point, below 2,400 men, which I think you stated as the amount of English in that country, might not that appear to betray a sort of weakness on the part of England?—I think it might have that effect.

674. Do you consider the troops necessary merely as a defence against the United States, and not as requisite for the internal peace of the country?—When I was in Canada, troops were not absolutely necessary to preserve the internal peace of the country; but in the position in which Canada is placed with respect to the United States, and seeing that there are very considerable depôts of military stores in the colony, and a fortress to protect, the force now there is highly necessary in my opinion.

675. You have said, that on account of the extent of frontier which you have to defend, that you consider that force requisite; and you afterwards said, you considered there were only troops requisite to defend the single garrison that exists there; explain that answer?—The extent of frontier was only alluded to, to show the facility of entering Canada from the United States; and having built, at great expense, a fortress to uphold our dominion in that part of the world, the colony ought not to be left so destitute of troops, as not to have the means of protecting it, in the event of any sudden invasion from the United States.

676. For the protection of the garrison, to prevent a surprise?—Yes.

677. Are you aware that the militia was called out and organized during the war with the United States?—Yes, a certain portion were called out.

678. When was that organization allowed to drop?—I suppose after the conclusion of the war; the training ceased, and the arms were returned into store.

679. Do you mean to say that, during the whole time you were in the country, the militia were not organized?—During my administration of the government of Lower Canada, I formed the militia into companies and battalions; but, as I before stated, they are totally inefficient as a military body; they can only by law be called out for muster in their respective parishes once a year, and are not trained to arms, or clothed.

680. Do you not consider that it would be more important to have an effective militia there, the same as they have in the United States, instead of trusting to 2,000 British troops?—It would be very desirable to have a well-regulated efficient militia force in Canada; but the British troops now there would still be necessary, in my opinion.

681. Do you consider that 2,400 British troops are now sufficient to protect the country, in the view you take of it, without an organized militia?—In the event of a war with the United States, the country can only be defended by a very considerable military force of regular troops and well-trained efficient militia; in such a case, the Canadians will, I have no doubt, evince the same loyalty and spirit that they did during the last war.

682. Did you represent to the Government at home here the necessity of organizing a militia?—I represented the total inefficiency of the militia force, and the Government were exceedingly anxious to have it placed upon a good footing.

683. Would the permanent organization of a militia force be a popular measure among them?—The militia is formed into battalions and companies, and is a formidable body upon paper, but the men are not in any way trained to arms, the law only allowing the governor to call them out for muster in their parishes one day in each year. The Canadians have a great desire to become officers of militia, but frequent trainings, such as would be necessary to render it an efficient force, would be an unpopular measure in time of peace: to that cause do I attribute the failure in the House of Assembly of the plan which I recommended for the improvement of the militia.

684. Did you allude to the present state of the representation, where 67 out of the 72 are in opposition to Government; did you allude to the state of the country as rendering it dangerous to leave it entirely to a militia?—In the present state of Lower Canada it would certainly be injudicious to put arms into the hands of the militia; and at no time should the colony be left for its protection entirely to a militia force, in my humble opinion.

685. Was the question of the expense of the payment of the troops ever yet under the consideration of the legislature in Canada?—Never; it would be quite hopeless to expect they would undertake such a charge.

686. For what reason?—Because they look to Great Britain to protect them.

687. Do

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687. Do you not think it equitable and fair that the expense should fall on Canada?—I think it but fair that Canada and all the colonies should do so, as far as their ability goes; but I think it very unlikely that the House of Assembly would vote any money to pay the regular troops, even if the revenue of the colony would admit of it; it is almost altogether derived from custom-house duties, and every part of the revenue, not deemed indispensably necessary to defray the expenses of the civil government, is appropriated by the legislature to a variety of local objects connected with the improvement of the country; such as roads and bridges, building and improving gaols and court-houses, maintaining charitable institutions, &c. If the money thus appropriated were applied to the payment of the troops, the legislature would have to impose direct taxes upon the people for all the above services. There are no county assessments in Lower Canada, for any purpose whatever.

688. Supposing the question were put to them, either you must pay these troops or raise a militia to take care of your defence, would there be any difficulty in getting money from them?—I think there would; and it would be a very imprudent communication to make to the legislature, in my opinion.

689. You are aware the British troops in India are paid by the country?—Yes.

690. Ought not the same principle to apply in the one case as the other, considering the advantages Canada enjoys?—I should say so, were the two countries similarly circumstanced; for (as I before stated) I think colonies should defray the expenses for their defence, when they are able to do so; but India is an immense empire with a great revenue capable of maintaining an army for its defence, and that revenue is at the sole disposal of the East India Company: Canada, on the contrary, has a small revenue (at the disposal of the colonial legislature), and I feel satisfied that the House of Assembly will never impose taxes for the payment of the King's troops in the colony.

691. During the time you remained there was any proposition made by the colony to raise two regiments, provided they were allowed to officer them themselves?—No.

692. Were no applications made to you to obtain commissions for the sons of the principal landed proprietors?—No such applications were made to me: if such had been made to me by any individual of that description, for a commission, I should certainly have forwarded it to the Commander-in-chief in England, and recommended it in the strongest manner to his favourable consideration. I may observe, there were several Canadian officers who distinguished themselves during the last war, particularly Colonel de Salabery.

693. Do you consider the number of artillery and engineers there merely the proportion which the number of the regiments of the line would require for ordinary service?—Considering we have an important fortress in Canada and works in progress, I consider the number of artillery and engineers now there necessary for the general service of the provinces.

694. Will you turn your attention to the Return which has been placed before you, page 37?—The two first in the list are sinecure appointments, viz. the governor and lieutenant-governor of Quebec, and will cease with the present possessors; all the others are necessary appointments, and have duties to perform.

695. Does it appear to you it would be advisable to diminish the number or the expenditure of any of those other appointments which are attached to the garrison of Quebec?—No, there are only two, viz. the town-major and the town-sergeant, and they are necessary for carrying on the duties of the garrison.

696. What is your opinion with regard to the military staff in that Return?—I am not aware that any reduction can be made in the military staff. The regimental officers who may happen to command the troops at Amherstburg, Penetanguishone, and several other small posts in Upper Canada, have a small allowance, charged as staff pay, to cover extra expenses to which they are subjected in the command. The town-major at Montreal is fully occupied with the duties of the garrison, and performs, in addition thereto, the duties of the quartermaster-general's department at Montreal, since the reduction of the assistant quartermaster-general who was stationed there.

697. Will you look at Fort George: you will see there are five individuals put down there as commandants; will you explain how that happens?—There must have

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have been five different commandants in the course of the year; the senior regimental officer for the time being is the commandant.

698. Then in fact you consider that that amount of 1,549 *l.* for garrison staff-pay as necessary?—I do.

699. With reference to the military staff, amounting altogether to 6,325 *l.*, do you consider the whole of that necessary?—The deputy adjutant-general and the deputy quartermaster-general are stationed at head quarters, to conduct the duties of those departments throughout the command: a general officer I think indispensably necessary, and also the other staff officers included in the list.

700. I observe there are three majors of brigade here?—There were three at that period acting, I presume.

701. Do you consider three aid-de-camps necessary?—Lord Aylmer was entitled to three aid-de-camps as commander of the forces; as lieutenant-general of the staff, he is only entitled to two.

702. As major-general, how many would he be entitled to?—One.

703. What will be the reduction of the other staff officers, if the commander was a major-general instead of a lieutenant-general?—No reduction whatever; because the deputy adjutant-general and the deputy quartermaster-general are necessary to conduct the duties of their respective departments, whatever may be the rank of the officer in command.

704. Would not the commissariat allowances to Lord Aylmer of 567 *l.* be reduced considerably?—Every officer of the staff gets forage for horses, and other allowances according to his rank, by War-office regulation; and a major-general receives less than a lieutenant-general, and a lieutenant-general less than a commander of the forces.

705. I observe there are five chaplains: are those five chaplains independent of the chaplains attached to the regiment; are they merely garrison chaplains?—I believe there is only one army chaplain now in Canada. I presume the persons stated to be chaplains, are the clergymen who may happen to perform divine service to the troops at the different stations.

706. Who is the chaplain?—Dr. Mills.

707. Does he not reside on the spot?—Yes, and performs the duties.

708. And does he draw the whole allowance, viz. 135 *l.*?—I presume he draws the allowance to which he is entitled by the War-office regulations.

709. Where do the other chaplains reside?—Wherever troops are stationed the clergyman of the parish performs divine service to them, and the other duties of a chaplain, and receives an allowance according to War-office regulations.

710. If you turn over the page to 38, you will see "allowance to clergymen for performing divine service to the troops, 375 *l.*," exclusive of that; also clerk to the chaplain?—I can afford the Committee no other explanation on that head than what I have already given.

711. Can you give any information to the Committee with regard to the medical staff?—The medical staff was so much reduced when I was in Canada that I was under the necessity of representing the necessity of sending out an additional assistant-surgeon, which application however was not complied with at home, the establishment voted by Parliament not admitting of it. The medical staff is, I believe, as low as it possibly can be.

712. Did you ever make any representations as to the necessity of reducing the military establishments, while you were in Canada?—No: I made minute inquiry into the business transacted by the different departments, and I satisfied myself at the time that none were kept upon the establishment except those that were necessary to transact the military duties of the command.

713. Did it ever occur to you that any consolidation could take place in any of the establishments by which a saving could take place: are the duties of the military secretary's department entirely distinct from the duties of the deputy adjutant-general and the deputy quartermaster-general?—The military secretary has most extensive duties to perform, and they are entirely distinct from those which the deputy adjutant-general and the deputy quartermaster-general have to perform. A consolidation of the military departments never came under my consideration; my attention was not called to it from home.

714. What are the duties of the military secretary, as contradistinguished from the duties of the adjutant-general?—Almost all the military correspondence passes through the hands of the military secretary, both with the Treasury, the War Office, and the Horse Guards, in England, and with the commissariat and the other

other departments in Canada; all matters regarding finance and allowances, estimates and contracts, requiring the approval of the general commanding, and letters on a great variety of subjects, which are constantly occurring, are submitted by the military secretary to the general, and his decisions are communicated by him to the parties concerned. The deputy adjutant-general's duties are confined to the promulgation of general orders, and to all matters touching the discipline of the troops, to their arming and equipment: on all these points he communicates personally with the general, and receives orders direct from him. The persons employed in the military secretary's office were very fully occupied when I was in Canada.

715. Is it your opinion the two departments of adjutant-general and quarter-master-general could not be consolidated or abolished, and the duties performed by the military secretary, seeing that the commander-in-chief has got three aid-de-camps?—The highest military authorities in this country have always had the greatest objection to blending the departments of the army; but in time of peace one chief might certainly conduct the business of the adjutant-general and quarter-master-general's department, with proper assistance.

716. Can you give us any information relative to the storekeeper's department?—There are several ordnance storekeepers in Canada, but no storekeeper's department.

717. Will you state for what purpose a coxswain and boat's crew are maintained for the general commanding, and sometimes one also for the quartermaster-general?—The quartermaster-general has a boat's crew to afford him the means of boarding vessels, and superintending embarkations and disembarkations; but I had very little use for a boat's crew, in fact I had none, when I was in Canada.

718. Can you give us any information relative to the commissariat department?—I was desired by the Government at home to make every practicable reduction in the commissariat, and I made minute inquiry into the nature and extent of the duties which the department then performed, particularly at Quebec, the head-quarters, and the result was an impression that no reduction of any moment could then have been effected. The commissary-general has very extensive and responsible duties to perform, which require his unremitting attention; the military chest is under his charge, and the public expenditure of every kind (except the payments from the colonial revenue) passes through his hands. I found the accounts kept in Canada very voluminous, although they are transmitted to England in a very short and comprehensive form; and it is chiefly to keep them that so many persons are employed in the commissariat, for the issues of provisions to the troops is a very minor affair in Canada. As a matter of economy, deputy assistant-commissaries were kept on full pay to do the duties of clerks, under a Treasury minute; the pay of the latter being 7*s.* 6*d.* a day, while the difference between full and half pay of the officer is only 5*s.* The public by this arrangement saved 2*s.* 6*d.* per day on each individual: but as the expenditure in the Canadas has, I believe, been considerably reduced since I quitted the command, I apprehend that the commissariat department has also been in a corresponding degree reduced.

719. In addition to the storekeepers for the ordnance department enumerated here, is there also a storekeeper for the naval department?—None whatever, I believe.

720. Look at the Return of the commissariat department, there appears to be one commissary for every 10 men?—It may be so; but it is not in issuing provisions, but in keeping accounts, making payments, and purchasing whatever may be required by the public departments in the colony, that the commissariat were chiefly employed in Canada when I commanded there; and the forms required to be observed by the regulations of the Treasury occasioned much additional trouble.

721. Is it the duty of the commissary to purchase provisions and provide for the troops?—Yes, everything is purchased by him.

722. Is it done by contract?—All by public contract.

723. Where there are small bodies of 15, 20 or 40 men, do you consider it necessary that a commissary should be there: if a contract is entered into, would not a quartermaster-sergeant, or some such individual, be capable of receiving the rations from the contractor?—I believe there are very few such stations. An officer is, I apprehend, not necessary for the sole purpose of examining and issuing rations at small posts of that description; and under a different system of account, I should think that the number of persons employed may be diminished.

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724. It appears by the Returns that there are 40 men at Penetanguishone, and yet there are two deputy commissary-generals, at an expense of 273 *l.* and 223 *l.*; there is an issuer and a labourer at 79 *l.*; making a total of 650 *l.* for the mere commissariat: how can they be employed?—Penetanguishone is now the great depôt in Upper Canada, from whence presents are issued to the Indians; but that will not justify, in my opinion, keeping permanently there so great a commissariat establishment. The presents are issued at one period of the year, and I should think may be sent up annually.

725. Is there not a fixed quantity of stores given out each year to the Indians?—Yes, the presents are issued to the Indians under fixed regulations; but I may mention, that every pains has been taken of late years to reduce the expense of the Indian department, and to induce the different tribes to conform to the usages of civilized life, and to become farmers. Implements of husbandry and seeds have been in many instances issued to them with that view, in lieu of the usual presents.

726. Is there not a considerable form, and some officers appointed generally to superintend that department?—Yes.

727. Then if that is done annually, and the stores forwarded at that time, what use would there be for maintaining so large an establishment for a depôt?—There was no such establishment at Penetanguishone when I was in Canada, and I see no necessity for maintaining so large a one permanently there, as I before stated.

728. I think you stated in your evidence that you were commander-in-chief of Nova Scotia as well as Canada?—As commander of the forces, I commanded in both provinces.

729. Were you in the habit of passing any time in Nova Scotia?—I administered the government of Nova Scotia for eight years.

730. It appears, according to this Return, that the force in Nova Scotia and its dependencies, exclusive of Newfoundland, amounts to 2,036 men, rank and file; is it your opinion, from your long acquaintance with that colony and its dependencies, that that number of troops is absolutely necessary to be kept up there?—It is absolutely necessary, in my opinion, to have a respectable force of regular troops in that part of North America. New Brunswick is in the Nova Scotia command; and in the present unsettled state of the boundary question, I consider the number of troops now there indispensably necessary.

731. Having reference to the United States alone?—Yes.

732. Is there any militia force in Nova Scotia?—There is, and it is on a better footing than the militia of Canada; they have three days training in the year, and some of the regiments make a good appearance.

733. Do you speak generally, or of any particular district?—Throughout the province of Nova Scotia the militia force is upon a much better footing than in Canada.

734. Is it your opinion that the militia could and ought to be made more effective in Nova Scotia?—I think it exceedingly desirable, situated as our North American colonies are, in the immediate vicinity of the United States, that a certain portion of the militia in each province should be well trained to arms, and always kept in a state of efficiency.

735. Do you think if the militia of Nova Scotia and its dependencies were rendered effective, still it would be necessary to keep up the amount of regular British troops to the extent of 2,036 men?—Not to that extent; but a certain portion of regular troops would nevertheless be necessary, in my opinion, to support the militia; and under existing circumstances, I think the number of troops now there indispensably necessary. Great Britain has always afforded her North American colonies, even in time of peace, a certain number of troops for their protection; and were they to be withdrawn, or any considerable portion of them, I fear it would have (as I before stated) a very bad moral effect, and tend to weaken the attachment of the colonists to the mother country. Halifax is an important naval station, with a dock-yard and arsenal; the only one indeed which we have on the coast of America; and to preserve it is an object of great national importance, in my humble opinion.

736. Supposing the case of a contemplated rupture between this country and America, would there not be as much time afforded to us to send troops to Halifax, as there would be to the United States to attack it?—On the contrary, were the regular troops to be withdrawn entirely from Halifax, which is the head-quarters of the Nova Scotia command, it might be in the power of America, on a declaration of

of war, suddenly to embark a force at Boston, land near to Halifax in 48 hours, and to destroy the dock-yard by a *coup de main*.

737. What force of regular troops has the United States?—I do not know the exact number; but the destruction of our only naval station in North America would be so popular a service, that volunteers from the militia would in all probability be employed, as well as regular troops, to augment the attacking force.

738. Would not the militia of Nova Scotia be equally ready to come to the assistance of the garrison, as the militia of the United States to attack it?—Undoubtedly.

739. Looking at America as a great state, and looking at her complicated interests with this country, do you think it likely, or within the range of probability, that she would send a number of troops to Nova Scotia, without this country being aware of her intention so to do?—Upper Canada was invaded by the Americans at the commencement of the last war, when we were little prepared for it; and it can only be by a sudden attack (unexpected on our part) that they can hope to get possession of Halifax.

740. Suppose there were any division between this country and America, would there not be sufficient time to reinforce these garrisons of Nova Scotia and Canada pending these negotiations?—It appears to me reasonable to suppose that there would be sufficient time to send out a force from this country, to Halifax particularly.

741. Do you think it right to maintain a force in this country so large, for the purpose of meeting such a contingency?—Yes, I do, for the reasons which I have stated.

742. You mentioned that troops could be embarked from Boston; are you not aware that almost four-fifths of the regular troops of the United States are to the westward of that frontier, and not on the sea coast?—I am not aware of that circumstance. Previously to my leaving Canada the Americans sent a considerable body of regular troops near to the frontier of the State of Maine; I think about 1,200 men.

743. Were they regulars or militia?—Regulars, under a general officer.

744. Was not there at that time a disposition on the part of the inhabitants of the State of Maine to take possession of the district then disputed, and were not those regular troops sent to maintain peace?—Ostensibly, perhaps, to maintain peace; but I believe, to support the militia of the State of Maine was the real cause of their being sent there.

745. You are aware that a regiment was withdrawn from Nova Scotia for the period of a year?—I believe so, but not when I commanded there.

746. Are you aware of any inconvenience being suffered at Nova Scotia in consequence of the removal of that regiment?—No.

747. Do you know Annapolis?—Yes, it is a small post on the western coast of Nova Scotia. It was formerly the capital of the province, and a place of some strength, having a strong fort, which is now in ruins. There are in fact no regular fortresses or places of strength within the command. A citadel for the protection of Halifax is now constructing, but will not be finished for some years to come.

748. Do you consider the establishments at present maintained in Nova Scotia more than adequate to the performance of the duties required, and that it is in proportion to the establishment in Canada?—I consider them necessary for the performance of the duties required.

749. Are you acquainted with the post of York?—York is a small redoubt at the entrance of the harbour of Halifax, and a signal station from whence all vessels entering the harbour are hailed.

750. Is it necessary to keep that up?—Certainly.

751. There is Frederickstown, where there are 275 troops maintained; where is that situated?—It is the capital of New Brunswick, and where the legislature meet.

752. Is there any fort there?—None whatever.

753. It appears that in the number of men maintained in Canada and maintained in Nova Scotia, there is not a difference of more than 300 or 400 men; and yet it appears by the Returns that the difference in the whole commissariat of Nova Scotia is 4,930*l.*, whereas at Canada it amounts to 15,616*l.*: can you explain to the Committee the reason why there is so great a disproportion in the expense of the two commissariats for an army of nearly the same amount?—The only explanation I can give the Committee is, that the establishment of the commissariat

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depends very much on the amount of the expenditure in the colony: voluminous accounts are necessary to be kept in Canada, and I apprehend the great disproportion in the expense is owing to that circumstance.

754. But taking the number of troops to be the same, would not, in ordinary circumstances, the number of commissaries be nearly the same?—Undoubtedly; but it is the number of stations in Canada as compared to Nova Scotia, and the disproportion in the military expenditure, that gives rise to the increase of establishment in the former colony.

755. The same remark applies to the medical expenditure; can you account for that? In the one case, for Canada, the medical staff pay is 2,654 *l.*, and for Nova Scotia it is 1,530 *l.*; can you account for the difference?—It is owing to the number of military stations in Canada being much greater than in Nova Scotia.

756. The same number of troops are distributed into a greater number of quarters?—Yes.

757. During the time the militia of Lower Canada was called out at the war, were they not very effective and essentially useful to the defence of the country?—I was not in Canada during the war, at least only at the termination of it for a few months. I understood that the Canadian militia evinced great loyalty and spirit when called out; and that the portion of them that fought against the enemy in the field under Colonel de Salabery (an officer who had served in the British army), distinguished themselves very much.

758. You know of no reason why they should not be as efficient as the United States militia?—None whatever.

759. Is not the present force too great for peace and too small for war?—Considering the present state of Canada, the extent of its frontier, and the other circumstances to which I have before alluded in my evidence, I consider the present force not more than is necessary in time of peace, and much too small for a period of war.

760. Do you consider that those troops that you now require could at all keep the field against the Americans if they invaded that country, which they would not be disposed to do unless in great force; would not the whole of the troops be obliged to retire to some garrison or stronghold?—Were the Americans suddenly to invade Canada in very superior numbers, our troops, if unable to meet them in the field, would be obliged to retire upon Quebec, in the Lower province, and to some strong position in Upper Canada, until reinforcements arrived from England, and the militia were called out.

761. Could the whole force maintain themselves for six months in Quebec, without the militia to aid them?—If the regular troops in Quebec were left to themselves, unaided by the militia and the inhabitants of the country, they would not be able to keep Quebec for six months; but that is a state of things not likely to arise.

762. At the present moment there are no militia, consequently the present troops could not protect themselves if invaded?—But the governor would call out and arm a certain portion of the militia at the first moment of invasion; and with their assistance, Quebec could be protected until relief was afforded from this country.

763. And you consider Quebec to be the key of Canada?—Yes, I do.

Martis, 14° *die Julii*, 1835.

ROBERT GORDON, ESQUIRE, IN THE CHAIR.

Thomas Archer, Esq., called in; and Examined.

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764. LOOK at the Returns; in page 42, you will find the amount of the expenses of the commissariat in Canada to be 15,688 *l.* 14 *s.* 8 ¼ *d.*; and if you will refer to the amount of the expense of the commissariat, in page 54, you will find the whole amount of the commissariat in Nova Scotia to be 4,930 *l.* 12 *s.* 11 ¾ *d.*?—Yes, it is so.

765. It

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765. It appears by the Returns that the number of troops in Nova Scotia and in Canada are nearly equal; that there is not a difference of above 200 between the amount of the troops in Canada and Nova Scotia: be kind enough to explain to the Committee why there is such a difference between the amount of the expense of the commissariat at Canada and at Nova Scotia; and state why it should be three times the amount at the one place as it is at the other, for nearly the same number of troops?—I apprehend the difference is chiefly in consequence of the distribution of the troops in Canada, the greater dispersion of the troops; in Nova Scotia they are more concentrated; wherever troops are more dispersed, of course it requires a greater strength of the commissariat establishment, there being consequently more business to be done.

766. Can you state any other reasons?—No other particular reason occurs to me at this moment, but the duties generally are more considerable. I beg, however, to remark, that the establishment in Newfoundland is included in the charge for Nova Scotia.

767. I observe, with reference to the duties of the commissariat in Australia, that you have furnished the Committee with a written statement of the duties performed by the commissariat there, not performed by commissaries in other colonies: as you are aware what was the object of the Committee in requesting your attendance, will you give a written statement of the same description, explaining the causes of the much greater expense of the commissariat in Canada, compared with that in Nova Scotia?—Perhaps the Committee will allow me to refer to a letter written by Commissary-general Routh, relative to the duties of the department in Canada. It is dated Quebec, 19 January 1835, and addressed to Major Airey, military secretary at Quebec. With their permission I will read it.

Sir,

As I understand that it is the wish of his Lordship the Commander of the Forces, that I should submit to him a report (in reference to the inquiry into the Military Colonial Expenditure before a Committee of the House of Commons) on the immediate disbursements in this command, I have the honour to lay before you an outline of their gradual decrease since I have held the superintendence of these duties.

The first reduction made was the abolition of the Commissary of Transport, in the year 1828, an ancient French office, founded on the law of "La Corvé," and established at Quebec and Montreal, and acting throughout the Lower province; the salaries and allowances of which amounted annually to 785 *l.*, but its expense was much more considerable from the absence of all competition in the duties to be performed.

In the year 1828 I undertook the drawing up of all public contracts, hitherto performed by notaries, at an expense to the public of 300 *l.* per annum in ordinary years, but which would have been double during the extensive military works carried on at the Rideau, upon the Ottawa, the Isle aux Noix, and elsewhere, about that period.

My early attention was likewise directed to the large bateau establishment at Lower La Chine, consisting of an officer of the commissariat and his department, having this charge and that of the military locks, a detachment of troops, two bateau conductors, 50 bateaumen or voyageurs, and 42 bateaux. This expenditure has been abolished, and the service removed with more efficiency to Montreal, where seven bateaux and six men are sufficient for the service. By a judicious reduction in the toll-rates, and a more prompt management of these locks, the revenue, which was little more than sufficient to defray some ill-conducted repairs, has increased from 400 *l.* to 3,000 *l.* per annum, and the locks themselves in a high state of repair. The bateaux at Kingston, at William Henry, at St. John's, and Isle aux Noix and Drummond Island, 16 in number, were also abolished; this has introduced a reduction of about 1,500 *l.* per annum.

In the year 1830 the establishment of the Commissariat of Accounts was abolished, and their records and the greater part of their duty transferred to this department; making an annual reduction of 2,700 *l.* in the expenditure of the command.

At the close of the year 1833 the allowance of barrel bulk ceased throughout the command, except at Penetanguishine, making an economy of 500 *l.* annually.

Various changes, comprising many reductions, from time to time had been carried into effect in the Indian department, up to the close of the year 1829, when a sum of 20,000 *l.* annually was assigned for this service by a Minute of the Right honourable the Lords Commissioners of His Majesty's Treasury. The share of this appropriation in the Upper province was found at first insufficient, and a large excess occurred; but by the adoption of a subsequent system, the expenditure from the military chest in the Upper province will be limited to 13,380 *l.*, and in the Lower province to 4,500 *l.*; making an annual reduction of 2,120 *l.*, commencing from the 1st April 1834.

As regards the Commissariat Department, the establishment amounted to 42 officers on my arrival on this command, immediately on which the service of the Rideau canal commenced, and as that work proceeded I was compelled to detach four officers to be stationed

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along the line of the works in operation; but notwithstanding this demand, and the abolition of the account department (which duty still employs four officers), and notwithstanding the addition of these branches of the service, and that of those previously detailed, to my own, I have been able to reduce, gradually, my establishment to 32 officers.

These reductions were of course gradual, effected with proper anticipation, and by condensing the business to be performed. How far it may be extended, or if any extension is to be expected, I cannot immediately offer an opinion; but I may reasonably refer to what has been done as a pledge and a guarantee of my constant attention to my instructions on this important point.

It is right, however, that I should state to you, for his Lordship's information, that I do not, in justice to the service, recommend any further immediate reduction; what remains to be done on this point must be prepared and adopted with caution. The experience of the last two epidemics in the years 1832 and 1834, particularly the former, in the midst of which were made the payments and identification of 1,688 commuted pensioners, amounting to 49,551 *l.* sterling, will make it sufficiently onerous on the department, with their present strength, to meet the return of this fearful disorder. The service of the quarantine establishment, the various demands on the department under such circumstances, and a sense of prudence and efficiency on my own part, deter me from any suggestion that might be visited on the duties to be performed.

Indeed it is incumbent on me to acknowledge and to represent the prompt sacrifice and abandonment of all private considerations or domestic safety which was manifested in the midst of the general panic by the officers of the department, and their unremitting attention and discharge of the public business, and I lament the difficulty of conveying a proper sense of this zeal, which is so much appreciated in the moment of its exertion. I solicit the high influence and authority of his Lordship to strengthen and confirm this representation.

I likewise offer to his Lordship's consideration the many duties which devolve on the department, and which do not appear in the accounts. The distributions to the Indians at the various posts scattered throughout the country, are made under the personal superintendence of an officer. The pensioners settled in distant parts, unable from age, sickness or poverty, to appear, are to be visited and identified in the neighbourhoods of Bytown, of Toronto and Montreal, at Drummondville and elsewhere; a duty essential to the detection of fraud. The ordnance contracts and purchases, though very properly so, made by the commissariat, as a means of further publicity to the transactions and security to the public. All these are employments which must be considered in the strength of the department, and which I must be prepared to meet.

The previous explanations will lay before the Commander of the Forces the tangible details of the reductions, as they stand in proof in the public accounts; but others, which relate to the reduction of price or the conduct of business, by a judicious management of the state of the market, are not so readily brought to view or so capable of proof, though much more important in the aggregate. It is on these operations chiefly that the advantage of rank, experience or judgment, rest their claim to favour or employment; and though I feel that I possess the power of producing this testimony, it becomes me to recollect that it is amply before the government in my public accounts, and in my correspondence with the authorities at home. I therefore refrain from intruding these details, which from their subject must be voluminous, before his Lordship's consideration.

I have the honour to be, Sir, your most obedient humble servant,

(signed) *R. J. Routh.*

768. There appears in Quebec, by a Return before the Committee, No. 8, to be 982 rank and file, consisting of artillery and engineers, and foot; and there appears to be at Quebec a commissary-general, an assistant commissary-general, and 11 deputy assistant commmissaries-general, exclusive of seven conductors, issuers, drivers, labourers, &c., at an expense of nearly 5,000 *l.*: can you state in what way that establishment can be employed for the management of the rations and the accounts of so small a number?—I should preface what I have to say in explanation, by stating that the deputy-assistants, who form the greater number of officers, are in point of fact principally employed in making out the accounts, and if they were not so employed you must have a greater number of persons in the capacity of clerks to perform those duties.

769. Their pay is 246 *l.* each?—Yes, that includes the allowances.

770. What is the difference between that and the pay of a clerk?—The pay of a clerk would be according to his deserts and fitness for his employment, at different rates.

771. The commissary-general, Routh, is placed at the head of the department at Quebec; are his duties confined to the 982 rank and file at Quebec, or do they extend to the whole province?—They extend to the whole province; the whole of the management, as far as the commissariat duties are concerned, is vested in Commissary-general Routh. I should add, that with regard to the other officers who

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are employed at Quebec, their duties should not be considered as confined to the accounts at Quebec, but as extending to the accounts of the provisions and money, and to every account and transaction connected with the commissariat duties, which are spread over the whole province.

772. Do you consider that the payment of 1,600 detached pensioners requires the payments to be made quarterly, as in England and Ireland?—The parties of course must be in want of money; and in proportion as the number of the payments is multiplied, it gives additional trouble to the persons who make the payments.

773. Must they not come into the commissariat office, and there be examined before the payment is made, much in the same way as they are by the Chelsea Board; and do not these commissariat officers in fact perform, as to these 1,600 men, the duties which the Chelsea Board department does as to the pensioners on them?—Precisely so.

774. Is not the labour and trouble of paying these 1,600 pensioners greatly increased in consequence of the state of the country, where cultivation is very much scattered; where there are small villages instead of being towns; and where there are no excise officers, as in England, for the payment of these pensioners?—The payment of these pensioners is productive of a great deal of labour, more than can be well imagined, and it has been the subject of repeated representation and complaint.

775. Are not the difficulties increased, because in the scattered villages in Canada there are no excise officers?—Yes; they are all paid by the commissariat.

776. You are aware that the facility of paying pensioners in England and Ireland, is greatly aided by having excise officers who can pay the money?—Yes.

777. Having no such aid in Canada, do you not imagine that the labour and trouble of the commissariat is greatly increased?—Very much.

778. With regard to these men, is it not a very important point that their identity should be ascertained to prevent fraud, by occasional visits, or that the men should come themselves to the commissary, or that the commissariat officer should see them, as at Bytown or Toronto, or any other post at which these people are assembled for the purpose of being paid?—I should conceive it is absolutely necessary that the identity of these persons should be satisfactorily established, to prevent fraud.

779. Are you aware whether any instructions are given for the purpose of assisting in detecting frauds, by making it the interest of any person on the spot to report immediately to the commissary, the fact of the death of a pensioner?—I am not aware of that. The commissary-general reports to the Treasury, from time to time, the decease of pensioners; but I do not know that any inducement is held out with a view to obtaining early information of the casualties that occur.

780. In a new country like Canada, where the pensioners are very much scattered, and where men not being pensioners can for a small trifle procure the papers of a deceased man, upon which the claims to the pension would rest, are not, under such circumstances, the facilities of fraud greatly augmented as compared with England?—Certainly; and therefore great care is necessary in making the payments. I have reason to believe that the pensioners have derived great benefit from receiving their pensions direct from the hands of the officers of the commissariat.

781. Then taking all these circumstances together, are you of opinion that the payment of 1,600 pensioners entails upon the commissariat a large proportion of labour?—Decidedly so.

782. Should you think that in Canada, where the winter sets in so severely, that posts such as Quebec, Isle aux Noix, Fort Erie, or any such posts, that it would be possible to do away with the commissariat, and provision the men as in England and Ireland, merely trusting to the quartermaster of the regiment?—I conceive that the troops could not be supplied with provisions by the quartermasters so well or so economically as by the commissariat department, and that the regular supply and comfort of the soldier would be exposed to great risk, especially in every case of movement. Independently of this serious objection, there must still be a commissariat establishment, for the performance of other duties than merely that of provisioning the troops; for instance, the commissariat is the

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medium by which all the money necessary for military and naval expenditure is provided; the commissariat officer, or some other in his place, must make contracts for the supplies of all the materials for the ordnance, and a variety of other things which I do not at this moment remember, occasioning a great deal of duty, separate and distinct from furnishing provisions for the troops. It is to be recollected too, that there is only one quartermaster to each regiment, who is always at the head-quarters of his corps, and that detachments of a regiment are often widely separated. In such circumstances the soldiers would be exposed to much inconvenience if their subsistence were to depend upon arrangements to be made by the quartermaster. This inconvenience would be considerably aggravated in the frequent removals to which the military service is liable, whilst on the other hand, the arrangements of the commissariat are at once available for the wants of any military force that may come within the sphere of his operations.

783. And from your knowledge of the opinion of a man of Commissary-general Routh's character, and the report which he has made, which you have read, do you think that that department in Canada has been nearly reduced to what you probably might expect, according to the present system which exists?—I should concur in the opinion of Commissary-general Routh; his character as an able officer stands very high.

784. Be so good as to state, from the book you have before you, the comparative number of officers in Nova Scotia, including St. John's; it is in page 54?—There are 10 officers in the whole.

785. Are you aware that the distance from Quebec to Port Amherstburg, in one line, is about 1,500 miles, and the distance of Penetanguishine is probably rather more?—I am not aware of the actual distance of these posts from Quebec.

786. Assuming the distance to be somewhere about that, do you not consider such a line of country, in a great degree, many parts of it uncultivated, with posts and troops scattered along the banks of the river and lakes, shut up for many months in winter by the severity of it, where provisions are necessarily obliged to be taken in for the troops for a length of time; the distance I have mentioned, the scattered nature of the troops, and the nature of the country, must materially add to the necessity of having a large body of these officers for the performance of their duties, as relates to the troops?—I think so, certainly.

787. You are attached to the commissariat department?—Yes.

788. From your general knowledge, do you not consider such facts as necessarily leading to the necessity of having a large number of commissariat officers?—Most assuredly.

789. Have they not the raising of all the money in the colonies which is required for the public service?—Yes.

790. Is it not the practice, where there are commissaries detached, that the money-chest is under a double lock?—Wherever there is a military chest, it is under a double lock.

791. Now supposing there to be but one commissariat officer at a detached station, how is the system of double lock then carried into execution; the system that one officer should have one key, and another another, and that no money should be taken out and no money put in without the knowledge of both; where there is but one officer how is that carried on?—Where there is but one officer there would be but a comparatively trifling sum; he would not have in his hands such a considerable sum of money as to render such a precaution necessary; many of his payments might be made, probably, by drafts on the principal at Quebec, and which are paid at the Bank.

792. Have not the commissariat a considerable degree of extra duty thrown upon them, by the payment of pensioners and emigrants, who went from this country to be settlers in that country?—The commissariat have had a considerable and very troublesome duty thrown upon them, by the payment of a commutation to pensioners who went to Canada, from time to time, with a view of becoming settlers in the colony. There were accounts of commutation to settle and balances to pay to nearly 1,700 men of this description; these are quite distinct from the great number of pensioners who remain upon the Chelsea list, and who are still paid by the commissariat.

793. How are the rations provided in Upper and Lower Canada; is it by public contract?—Yes, by public contract.

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794. Are those contracts half-yearly, or in what way are they?—They are usually made annually.

795. Are the rations delivered by the contractor to the troops direct, and their receipt returned, or are they delivered to the commissariat officers at the respective stations?—They are delivered by the contractor.

796. Are you aware whether any depôts of any kind of provision are kept in any part of Upper or Lower Canada, and where?—There are depôts at various places, both in Upper and in Lower Canada, at Quebec, Montreal, Isle aux Noix, Bytown, Kingstown, Toronto, Fort George, Penetanguishine and Amherstburg.

797. What have been the particular kinds of stores, and the quantities, at any given time?—Flour, biscuit, salt meat (and formerly rum), wood, coals, candles, oil and cotton for light. The quantities have fluctuated of course, according to the demands of the service. I will furnish the Committee with a statement of the quantities in the stores, at several periods, within the last five years. At Toronto, Kingston and Amherstburg, there are also stores of Indian presents.

[*The same was delivered in, as follows:*]

STATEMENT of the Remains in Store of PROVISIONS, FORAGE and FUEL, at the several Stations in the *Canadas*, at the undermentioned Periods.

On the 24th December 1828.

STATIONS.	Flour.	Biscuit.	Fresh Beef.	Salt Pork.	Salt Beef.	Peas.	Rice.	Oats.	Hay.	Indian Corn.	Straw.	Rum.	Vinegar.	Wood.	Coals.	Tallow Candles.	Oil.	Cotton Wick.	Bullocks.
	lbs.	lbs.	lbs.	lbs.	lbs.	b. g. p.	lbs.	lbs.	lbs.	lbs.	lbs.	pints.	pints.	cords. ft. inches.	bushels. pecks.	lbs. ozs.	pints.	lbs. ozs.	no.
Quebec	34,532 1/16	-	-	-	-	-	-	-	-	-	-	285,266 1/2	-	2,906 1 9 14/21	15,205 2 18/21	6,356 1 3/21	2,328 16/39	45 9	-
William Henry	13,011 1/16	-	-	6,031 2/16	-	-	-	-	-	-	-	1,377 2/16	-	564 7 — 20/21	- -	276 7 11/21	- -	—	-
Isle aux Noix	10,843 2/16	-	-	-	-	-	-	-	-	-	-	2,374 1/16	-	437 3 1 20/21	- -	1,365 — 17/21	98 18/39	1 4 12/16	-
Montreal	53,566 14/16	2,079 2/16	-	3,359	-	13 3 4 1/2	-	-	-	-	-	123,051 9/16	-	1,961 — 4 15/21	- -	5,484 12	383 15/39	14 15 14/16	-
Grenville	19,568 4/16	-	-	-	-	-	-	3,309	7,468	-	2,034 5/7	4,382 1/16	-	- - -	- -	269 8 1/21	- -	—	-
Rideau	116,585 14/16	-	-	16,168	-	-	-	-	-	-	-	13,644 2/16	-	- - -	- -	1,054 15 3/21	330	4 8 8/16	-
Kingston	- -	-	-	3,416 13/16	-	-	-	1 1/2	7,254	-	152 3/7	54,446	-	657 3 6 6/21	- -	3,966 6 2/21	136 18/39	35 9 12/16	-
York	1,008 1/16	4,358 14/16	-	-	-	-	-	-	-	-	-	26,604 14/16	-	415 1 10 6/21	- -	1,492 15 15/21	535 15/39	13 13 14/16	-
Fort George	- -	- -	-	-	-	-	-	-	-	-	-	6,102	-	12 3 4 10/21	- -	1,102 13 15/21	—	—	-
Amherstburg	21,112 14/16	-	-	215 8/16	-	-	-	-	-	-	-	7,421 9/16	-	166 4 8	- -	455 — 10/21	—	—	-
Penetanguishine	27,259 7/16	-	1,787 2/16	26,722 13/16	-	-	-	-	50,562 2/7	102 1/8	-	6,248 17/16	873 6/16	- - -	- -	577 8 1/21	—	- -	18
In transit from Kingston to Amherstburg	- -	- -	- -	- -	-	-	-	-	-	-	-	- -	-	- - -	- -	300 —	—	—	-
TOTAL	297,488 ozs. 14	6,438	1,787 2/16	55,913 14/16	-	13 3 4 1/2	-	3,310 1/2	65,284 2/7	102 1/8	2,187 2/7	530,920 10/16	873 6/16	7,121 1 10 0/21	15,205 2 18/21	22,701 9 8/21	3,812 4/39	115 13 12/16	18

On the 31st December 1830.

STATIONS.	Flour.	Biscuit.	Salt Pork.	Oats.	Hay.	Straw.	Rum.	Vinegar.	Wood.	Coals.	Tallow Candles.	Oil.	Cotton Wick.
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	pints.	pints.	cords. feet. inches.	bushels. pecks.	lbs. ozs.	pints.	lbs. ozs.
Quebec	55,839 9/16	-	-	-	-	-	108,905 4/16	-	2,031 4 11 1/21	6,461 1 5/21	13,124 15 3/21	2,175 25/39	83 12
William Henry	10,998 5/16	-	4,147 0/16	-	-	-	964 12/16	-	76 4 6 5/21	- - -	318 14 7/21	—	—
Isle aux Noix	4,213 1/16	-	-	-	-	-	7,412 5/16	-	67 4 2 15/21	- - -	1,093 13 12/21	73 9/39	1 5 12/16
Montreal	107,907 13/16	-	13,642 6/16	-	-	-	75,782 14/16	-	1,462 2 1	- - -	9,505 7 7/21	1,195 15/39	7 3 6/16
Grenville	10,824 3/16	-	243	-	-	-	3,980	-	- - -	- - -	525 12 19/21	—	—
Bytown	30,940 3/16	-	35,910	-	-	-	23,548 12/16	-	- - -	- - -	641 2 20/21	377 22/39	5 9 12/16
Kingston	- - -	-	- - -	1,764	3,150	1,176	44,012 6/16	-	612 7 11 12/21	- - -	3,755 11 10/21	519 25/39	17 13 2/16
York	- - -	-	- - -	-	-	-	34,297 6/16	-	187 1 8 14/21	- - -	2,326 1 16/21	648 32/39	13 2 12/16
Fort George	- - -	-	- - -	-	-	-	15,506 1/16	-	178 7 3	- - -	589 5 18/21	—	—
Amherstburg	12,282 7/16	-	368 6/16	-	-	-	7,312	-	28 1 10 0/21	- - -	564 7 8/21	—	—
Penetanguishine	25,487 1/16	21 12/16	- - -	-	-	-	7,301 15/16	873 1/3	40 4 3 15/21	- - -	437 10 3/21	—	—
TOTAL	258,494 1/16	21 12/16	54,310 1/16	1,764	3,150	1,176	329,023 7/16	873 1/3	4,685 6 10 18/21	6,461 1 15/21	32,883 7 16/21	4,990 11/39	128 14 15/16

On the 31st December 1832.

STATIONS.	Flour.	Biscuit.	Salt Pork.	Salt Beef.	Rice.	Rum.	Wood.	Coals.	Tallow Candles.	Oil.	Cotton Wick.
	lbs.	lbs.	lbs.	lbs.	lbs.	pints.	cords. feet. inches.	bushels. pecks.	lbs. ozs.	pints.	lbs. ozs.
Quebec	271,116 5/16	886	20,000	2,054 6/16	-	19,126 5/36	179 4 7 9/21	17,002 1 1/21	6,207 7 15/21	4,878 20/39	93 8
William Henry	8,629 11/16	-	2,058 2/16	-	-	-	-	-	220 12 7/21	—	—
Isle aux Noix	5,396	-	400	-	-	928	-	-	110 2 16/21	141 18/39	1 14 9/16
Montreal	106,844 10/16	-	39,678 12/16	8,000	-	26,000 8/36	-	-	1,784 4 17/21	1,526 20/39	5 11 5/16
Grenville	568 4/16	-	-	-	-	-	-	-	214 1 19/21	—	—
Bytown	3,474 3/16	-	1,702	-	-	6,187 4/36	-	-	40 8 8/21	236 8/39	1 11 6/16
Kingston	-	-	-	-	4,861	3,700 22/36	-	-	2,040 4 17/21	640 28/39	9 8 12/16
York	-	237 2/16	251 6/16	-	-	7,762 6/36	— — 10	-	1,499 5 19/21	144 8/39	7 9
Fort George	-	-	-	-	-	-	-	-	985 3 7/21	—	—
Penetanguishine	15,187	-	6,089 4/16	-	-	-	-	-	67 13 19/21	80	1 8
Amherstburg	15,059 7/16	-	-	-	70 8/16	880	-	-	220 11 2/21	—	—
On Transit	-	-	-	-	-	-	-	-	500 -	—	—
TOTAL	426,275 8/16	1,123 0/16	70,179 8/16	10,054 6/16	4,931 8/16	64,584 9/36	179 5 5 9/21	17,002 1 1/21	13,890 12 11/21	7,647 24/39	121 7 5/16

The Accounts for the Years 1830 and 1832 were made up to the 31st instead of the 24th December.

RETURN of PROVISIONS, FORAGE, and FUEL, remaining in the Commissariat Stores at the undermentioned Stations in *Canada*, on the 31st of December 1834.

Number of Voucher.	STATION.	ACCOUNTANT.	Pounds and Ounces of			Bushels of Salt.	Pints of Rum.	FUEL AND LIGHT.				
			Flour.	Biscuit.	Salt Pork.			Wood.	Coals.	Tallow Candles.	Oil.	Cotton Wick.
								cords. feet. inches.	bushels. pecks.	lbs. ozs.	pints.	lbs. ozs.
1	Quebec	A. C. G. Eppes	270,829 11	144 8	40,003 2	1	459 2/36	4,380 3 1 13/21	17,380 1/21	7,300 - 10/21	3,779 17/36	82 13
2	Isle aux Noix	D. A. C. G. Bayley	6,693 3	- -	400 -	- -	- -	- - -	- - -	53 3 13/.	38 19/.	1 9 11/16
3	Montreal	A. C. G. Price	57,008 15	- -	26,697 15	- -	- -	- - -	- - -	834 7 7/.	78 -	3 15
4	Bytown	D. A. C. G. Lister	2,882 14	- -	- - -	- -	- -	- - -	- - -	90 3 4/.	—	—
5	Kingston	A. C. G. Clarke	- - -	- -	- - -	- -	- -	- - -	- - -	3,270 7 7/.	752 -	13 14 3/.
6	Toronto	D. C. G. Coffin	- - -	76 -	56 -	- -	- -	- - -	- - -	2,071 8 4/.	181 32/.	18 11 4/.
7	Fort George	D. A. C. G. Bailey	- - -	- -	- - -	- -	- -	- - -	- - -	506 11 9/.	—	—
8	Penetanguishine	——— Wickins	11,992 9	127 14	2,408 15	- -	- -	- - -	- - -	450 7 2/.	122 26/.	2 4 10/.
9	Amherstburg	——— Leggatt	11,854 8	156 11	108 13	- -	- -	- - -	- - -	636 14 7/.	—	—
		TOTAL	361,261 12	505 1	69,674 13	1	459 2/36	4,380 3 1 13/21	17,380 1/21	15,213 15	4,952 16	123 3 12/.

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798. Has any proposal been made to pay these pensioners through any of the constituted clergymen of the districts where they are?—I believe I may trust to my memory to say, that no report to that effect has been received at the Treasury.

799. Are any stores of any kind sent out from England now, for the use of the army, in either of the Canadas?—Not any provisions.

800. Are there any kinds of stores that have been supplied by the commanding officers of regiments?—Not that I am aware of.

801. If there are any other duties which that department has to perform, besides the supplying of the troops with money and with provisions, and the paying of the pensioners, please to state them?—The commissariat provide money not only for the troops, including the ordnance, but also for the naval expenditure; and they receive and account for all monies intended for remittance to public departments at home. They have to provide the whole of the transport required, either for the removal of the troops and their baggage, &c., or for the removal of stores, by land or by water. They have to provide, by contract or otherwise, all materials required for public works, and to contract for labour when necessary: to provide also, by contract or purchase, all other articles required for the troops, or for the ordnance, or for casual services. They have to pay, in detail, all persons holding staff appointments; to pay, in detail, half-pay, military pensions, widows' pensions and compassionate allowances, to all persons in Canada entitled to any of these allowances. They have to pay, in detail, lodging-money, fuel-money, and all extra and contingent allowances, and expenses of every description, under the warrant of the general commanding.

802. Do you attribute the large proportion of the commissariat to the troops at Canada, as compared with the commissariat in Nova Scotia, to the great extent of extra duty required from the commissariat in Canada to that of the commissariat in Nova Scotia?—To both causes; the great dispersion of the troops, and the extra duty of the commissariat in Canada.

803. Does that exist to the same extent in Nova Scotia as in Canada?—Certainly not.

804. Do the pensioners exist to the same extent in Nova Scotia as in Canada?—Certainly not; there are pensioners in Nova Scotia, but nothing like to the same extent as in the Canadas.

805. If you look at page 46, by the Return it will appear there are 49 rank and file at Amherstburg?—Yes.

806. It appears by the Return, that there being 49 rank and file at Amherstburg, that there is a commissariat establishment of two deputy-assistant commissaries-general, two issuers and one labourer, at the expense of 726 *l.* a year, pay and allowances; can you state why there is so large a commissariat staff for so small a detachment of troops?—At Amherstburg there is a large store of Indian presents; there is also a store of flour and salt meat. Considerable issues are made to the Indians, and there are a great number of pensioners located in that immediate neighbourhood.

807. Look at Penetanguishine; there there are only 40 rank and file, and you will see that the commissariat consists of the same, with the difference of one issuer?—At that station, I believe, there is a bateau establishment, formed for the conveyance of provisions, military stores, &c.

808. What does that consist of?—Boats and barges for transport, and men for the management of them.

809. State to the Committee what is the amount of the bateau establishment in the different Canadas; where stationed, and what they have to do?—I do not know what is at present the actual establishment. On referring again to the letter from Commissary-general Routh, which I have read to the Committee, it appears that the bateau establishment has been removed to Montreal, where seven bateaux and six men are sufficient for the service; at present only one officer is employed at Penetanguishine.

810. In the Return there appears to be 276 rank and file, artillery, engineers and veterans, at Newfoundland; and an establishment of an assistant commissary-general, two deputy-assistant commissaries-general, one issuer, and one conductor?—I would beg to refer to the remark in the last column with respect to one of the deputy-assistant commissaries-general, by which it appears he ceased on the 7th October 1833.

811. If those two are able to keep the accounts in the whole of Newfoundland for 276 rank and file, how is it that so large a staff is kept in those parts of Canada

Canada where detachments from only 10 to 50 men exist?—The duties of the commissariat in Canada are materially different from their duties in Newfoundland; their duties in the latter place are concentrated. The same description of accounts are necessary for a detachment of 50 men as are necessary for a regiment of 800, provided the regiment of 800 is at one post; but if the regiment of 800 is scattered over different parts of the country, then that would impose additional labour upon the commissariat, because each detachment would require the same description of accounts to be rendered in duplicate, and the same description of vouchers.

812. The accounts are tabular, are they not?—A great many are in forms.

813. Would not a small number occasion less trouble in adding up and in writing, which is the great labour of the commissary?—There would be very little difference in the trouble, whether a detachment consisted of 25 or of 50 men. There are 20 or more different forms for the vouchers in cash accounts; and more numerous vouchers are necessary in furnishing accounts for the troops, where they are dispersed in three or four different parts, than there would be if the same number were concentrated.

814. Are all these accounts audited at Quebec or Nova Scotia?—The commissary-general, who superintends the department, is responsible for all the accounts in the Canadas; consequently the accounts of the sub-commissaries dispersed throughout the whole of Upper and Lower Canada are transmitted to his office, and they are there examined and made up; and he transmits them home to the Treasury, to be audited by the Commissioners for Auditing the Public Accounts.

815. Where the troops are supplied by contract, do you mean to say there are 20 different forms of account?—There are not only the accounts between the contractors and the commissariat, but the accounts of the different detachments, all the detachments furnishing different returns.

816. Do you mean that the returns are given by each detachment in a different form?—No, one form will apply to all the detachments.

817. Are there 20 forms from one detachment, one from each detachment, and there may be 20 detachments from the regiment?—Speaking of rations of provisions, only one form of return is necessary for each regiment or each detachment. The different branches of the staff each render a separate return. With respect to cash accounts, although there are 20 or more forms of account, it is very likely that one detachment may not give occasion for the use of more than three or four forms; and it may, on the other side, happen that the duties relative to the detachment may require many of the forms to be in use, looking at the description of service, the nature of the payments, and the nature of the issues that may be made. The cash accounts are classed under different heads, under different letters; one description of payment under letter A, another under B, and so on. The printed statement which I hand to the Committee will give an idea of the various vouchers that are requisite in the pecuniary transactions of the commissariat.

[*The same was read, as follows.*]

STATEMENT referred to in Circular, No. 84.

DEBIT SIDE OF THE ACCOUNT CURRENT.

Extraordinaries from A. to H. inclusive.

MARKS.	TITLES.	EXPLANATION.
A.	Supplies for Rations of Provisions and Forage - - - - -	To include provisions, spirits, wine, forage, &c.
B.	Fuel and Light - - - -	To include fuel, candles, oil, cotton-wick, &c.
	[The articles included under these two heads are purchased, stored, and issued by the Commissariat department.]	
C.	Miscellaneous Purchases - - -	To include all payments for stores, implements, &c. of whatever description, not included under the two preceding heads, or under letter G, nor paid for by drafts from the officers of the Ordance department, letter I.
D.	Transport - - - - -	To include freight, lighterage, cartage, truckage, &c.
E.	Pay of Extra Staff, &c. - - -	To include the pay of all persons not chargeable upon the Ordinaries, or under letters G, I. and L.

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MARKS.	TITLES.	EXPLANATION.
F.	Military Allowances - - - -	To include lodging-money and all other allowances, except pay and such military allowances as may be comprised under letters I. and K.
G.	Special Services - - - -	To include only such services as are peculiar to particular stations, such as in Canada: Indian and Settlers' departments. West Indies, &c.: Pensions of Black soldiers. Expenditure for army vessels. Subsistence of 3d West India regiment, &c. &c.
H.	Contingencies - - - - -	To include rent, travelling expenses, postage, hospital expenditure, and, generally, all payments chargeable upon the Extraordinaries not included in the foregoing articles.
I.	Ordnance Department - - -	To include Imprests for payments under 5*l.* Drafts for payments above 5*l.*; viz. For pay and allowances of the department. Pay of the Royal Artillery. Building materials. Barrack and other military stores not included in B. or C. Labour. Buildings erected, or repairs performed under contract. Military working parties.
K.	Ordinaries - - - - -	Including Regimental subsistence and half-yearly allowances. Staff pay. Half pay. Chelsea pensions. Greenwich pensions. Widows' pensions. Compassionate list. Other retired allowances not borne upon the Extraordinaries.
L.	Pay of Commissariat Officers - -	To include only commissioned officers, and persons acting and receiving pay as such; storekeepers, issuers, and others employed in the Commissariat department, being included under letter E. The same distinction to be made with respect to the Account Branch when paid, as at Malta, &c. by pay list, and not by imprest: in that case the account current will show the amount of pay of the Commissariat officers under letter L, thus: Store branch - - £. Account branch -
M.	Advances to Departments - - -	To include all advances repayable in England, except those to the Ordnance department, which will be included under letter I.
N.	Consignments of Specie.	
O.	- - - - - - - -	To be left open for any special disbursements (such as payments on account of Colonial governments, &c.) as may not be chargeable to the Extraordinaries.
	CREDIT SIDE.	
P.	Proceeds of Bills drawn upon the Treasury.	To be accompanied by separate statements of Bills negotiated, and of bills drawn at par on account of supplies, or otherwise.
Q.	Stoppages for Rations - - -	Issued to Staff, Ordnance, and other departments.
R.	Proceeds of Sales - - - -	By the officers of the Commissariat department.
S.	Ditto - - - - - -	By the officers of the Ordnance department.

MARKS.	TITLES.	EXPLANATION.
T.	Receipts for Services repayable in England, viz.	Regimental Surplusses. Effects of deceased officers and soldiers. Fees on commissions. Custom-house revenue. Post-office ditto. Greenwich Hospital ditto. &c. &c.
V.	Consignments of Specie.	
W.	Miscellaneous Receipts - - -	To include all receipts, of whatever description, not comprised under the preceding heads.

[*N. B.*—Any of the foregoing heads which may be inapplicable to the service of particular stations, may be left out altogether in the Accounts Current of the Commissariat Officers serving on such stations; but the Receipts and Expenditure, under the heads herein specified, should, in every case, be brought to account under the same marks that are annexed to them in this statement.]

818. From your acquaintance with the accounts, do you consider all those are necessary where provisions are supplied by contract, or do you not think it possible to simplify the accounts so as to lessen the labour?—I will explain to the Committee the course of proceeding in supplying the troops with provisions under a contract, when deliveries are made by a contractor. The issues of fresh provisions, bread and meat, are usually made daily, upon checks given by the commissary upon the contractor; these checks are founded upon returns furnished by each regiment or detachment, specifying the number of officers, classed in their respective ranks; the number of non-commissioned officers and men, and women and children. These returns, which are rendered in duplicate, are examined by the commissary, and require particular care, on his part, to prevent over-issues or errors, and the contractor has nothing to do but to issue upon the orders of the commissariat. In fact, the contractor performs that part of the business which is performed by the storekeepers or issuers of the commissariat when there is no contractor; all the accounts and responsibility of these transactions depending still upon the commissariat.

819. Are the vouchers sent in from the detachment to the head commissary; are the returns from the whole regiment sent home, or does he keep them, and send an account made out from them?—He sends home the accounts of the sub-commissaries, after they have been examined in his own office at head-quarters, under his immediate superintendence. These require a more minute and particular examination, since the abolition of the separate department of accounts, which formerly examined the commissariat accounts upon the spot.

820. At what period are the accounts audited now?—They are audited now more regularly than in former times; they are passed through the Audit-office with as much dispatch as is consistent with a careful examination.

821. The commissaries' accounts of 1833, when were they audited?—I am no prepared to say whether the accounts of 1833 have been audited or not.

822. Will you ascertain when the accounts of the years 1832 and 1833, for the colonies of Upper and Lower Canada, as well as Australia, were received, and when they were audited?—In Australia there is still a separate office under a commissary of accounts, whose business it is to examine all the commissariat accounts of that colony; there is, consequently, some delay in their coming to England.—[*Vide* Appendix.]

823. It has been stated to the Committee that there were great arrears, two or three years ago, in the commissaries' accounts in New South Wales; that there were several tons of accounts which had not been audited; what has been done with those accounts?—They are not yet passed through any examination, but they are in the hands of an officer employed for the purpose.

824. Is he employed there or here?—There.

825. Was there an account branch there at the time?—There was.

826. Was the governor aware those arrears were going on?—Probably not while the arrears were accumulating.

827. Had there not been a want of annual accounts from that colony, and were they not able to ascertain here the arrears, before it had amounted to so large an extent?—I can hardly explain at this moment how the arrears were suffered to accumulate on the spot. When the arrears were first creeping on them, the whole business of the commissariat in New South Wales was exceedingly heavy; they were employed on various descriptions of colonial matters.

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828. Under whose orders did they act in these different matters?—They were required by the governor for the time being to perform certain duties.

829. General Darling?—Yes, and his predecessors.

830. Are you aware that General Darling, in his evidence, states that he knew nothing of the details and proceedings of the commissariat department?—I am not aware that any such question or answer has been given.

831. Do you consider that the governor had more than the general superintendence of all the officers in the colony, or that he was actually responsible for the details of this department?—He was not responsible for the details, he was responsible for the directions he gave for the execution of certain orders.

832. Who was responsible for the details?—The parties to whom he gave those directions.

833. Does not Mr. Laidley, the head of the department, act under and receive the orders of the Treasury here?—Yes, but he is also bound to obey the orders of the governor on the spot; the governor of course taking care that he does not order anything that he is not able to justify, in case such orders may be contrary to the instructions which the commissary has received from the Treasury Board.

834. Does no direct communication take place between Mr. Laidley and the Treasury here?—Continually.

835. Then the Treasury does exercise an independent control over Mr. Laidley?—Certainly.

836. Was that the case at the time the arrear accumulated in New South Wales?—It has always been the case.

837. Do you know whether the head of the commissariat makes returns of his establishment and proceedings regularly to the governor of Australia?—It is competent for the governor to call upon him to do so, if he thinks fit.

838. With whom does the expression of the propriety of the increase or decrease of the establishment rest?—Any increase of the establishment would not be sanctioned by the Treasury, except it had the approval of the governor.

839. To what extent has the governor of Nova Scotia a jurisdiction over that department?—The Treasury generally decline to sanction any increase of expense proposed by the commissariat officer, unless it has the sanction of the governor or the military authority (as the case may be) on the spot. It is quite competent for the governor or officer commanding, on his own authority, to call on the commissariat officer for any explanation that he may require upon any part of his duty, either as regards the establishment or as regards the conduct of the business.

840. What means has the commanding officer of knowing whether the accounts are brought up or are in arrear, or whether the establishment is greater or less than the necessity of the service requires?—It is competent for him to institute a minute inquiry into the state of the department. The Treasury Board have frequently called upon officers commanding and governors, not only in New South Wales but in other places, to revise the establishment and the duties of the commissariat, with a view to making such reductions as it might be susceptible of bearing.

841. Do you mean by that, that if there was an order to them they would do so?—Yes.

842. My question is, in the ordinary mode of conducting the details of the colony, whether he is cognizant from year to year of the state in which the accounts of that department are?—I do not know that he is expected to be cognizant as a matter of course, but he can on his own authority call for information on the point.

843. Are any of the accounts sent home through that officer?—Not any.

844. Do you mean to say that the accounts are not transmitted through the governor?—Certainly not.

845. Then the governor has no means of ascertaining whether the returns have been sent by the commissariat officers?—None, except by inquiry.

846. Is there a direct correspondence between the commissariat officer and the Treasury?—Yes, constant communication.

847. I think you have stated in your former evidence, that there was a great reduction, from 51 to 29 individuals, in New South Wales; was that subsequent to the arrear of accounts being discovered?—Yes, it was.

848. Seeing that the detachments have in New South Wales rather increased in number than decreased, what was the reason that enabled them to make that reduction, when under a large establishment such great arrears took place?—By the improved mode of conducting the business, and the introduction of a system of contracting, which the colony was not formerly able to bear. The department was also relieved of some of the duties which were more particularly colonial.

849. Had that improvement been previously adopted in other colonies?—The mode

mode of doing business and the nature of the business in New South Wales were peculiar to that colony, and the improvements to which I allude do not apply to the service on other stations.

850. Are there other colonies susceptible of the same improvement which has been introduced in New South Wales?—No.

851. In proportion as the principle and practice of contracts gain ground, do you consider that the establishment might be reduced?—I do not know whether the establishment is capable of reduction below the present number; still the Treasury expect that if any further reductions can be accomplished with due regard to the efficient performance of the duties, they will be carried into effect.

852. To what extent has the system of contracts been introduced for supplying the convicts and the troops in New South Wales?—I believe it does not prevail generally yet; it has been only upon a limited scale of providing supplies by contract.

853. Have the contracts been offered and not accepted, or have they not been tried?—They have been tried, and failed at the commencement of the experiment.

854. Were those failures in 1830 and 1831?—Yes, to the best of my recollection, there were failures about that time in supplies of provisions.

855. Are you aware whether orders have been issued by the Treasury, that the contract system should be tried on all occasions where it can be effected?—An order to that effect has been given, and I beg to refer the Committee to the copy of a Treasury letter addressed to Major-gen. Rourke, in December 1832, which I have already furnished for the information of the Committee.

856. Are you able to state whether the governor advertised?—It is the duty of the commissary to advertise.

857. Have you had sent home copies of the advertisements made by him in the colony, and have they been general, or only as to particular places?—I believe only as to particular places and particular supplies.

858. Has the deputy commissary-general informed you whether he has tried contracts for all the supplies wanted, or for how many?—He has reported the proceedings with regard to contracting for different supplies. I cannot speak from memory what are the particular places or occasions; but in some instances the endeavour to obtain contracts has failed, and in others they have been successful.

859. In your evidence before, you alluded to stores of provisions that had been prepared in consequence of some contracts in 1830 having failed; do you know to what extent those stores were formed?—I do not remember the extent of them.

860. Have you any statement in your office of the several depôts in New South Wales?—Yes.

861. Be so good as to state, when the stores were formed, what they consist of, and whether any establishment is requisite to superintend the stores exclusive of the duties required to conduct the issues, supposing they are contracted for?—As the system of contracting for supplies extended, the depôts in the colony were discontinued or diminished; at present the only depôts of provisions are at the penal settlements of Moreton Bay and Norfolk Island. At these stations all other articles are also held in depôt by the commissariat, and issued by that department. The population at these places consists only of the servants of the government and the prisoners. At Sydney the commissariat receive into store and issue the surplus provisions from the convict ships, on their arrival from England. There is also a store of coal, which article is received and issued in detail by the commissariat.

862. Do you send out stores in the way of provisions to New South Wales from here?—No provisions.

863. Has the commissariat department anything to do with the construction of public buildings?—They have everything to do with the construction of public buildings; all the materials requisite have been furnished by the commissariat hitherto, but very lately the Board of Ordnance have sent out some person to conduct this particular branch of the service.

864. State to the Committee the different contracts which the commissariat has been directed to make in the performance of any works or labour for the government?—They must have received orders on these points from the local government; up to the present moment it has been the duty of the commissariat to furnish the materials required for public buildings, and the commissary would receive his directions for the furnishing of those works from the governor on the spot.

865. Do you consider it necessary to have a commissary constantly at any post where there are 20 or 30 or 40 men, to serve them with provisions?—Where there are 40 or 50 men together at any station there must be some person employed to attend them, if they are supplied from commissariat stores; but supposing them

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to be provisioned by a contractor, there might be other duties at the post requiring the services of a commissariat officer.

866. In what manner are the troops furnished in England with supplies?—By contracts now made by the Board of Ordnance.

867. By that contract the contractor delivers at a particular place, according to the indent, the rations or supplies for a given number?—Yes.

868. To whom does he deliver them?—To the quartermaster of the regiment, I conceive.

869. What vouchers does the quartermaster furnish?—The receipt of the quartermaster to whom the supplies are delivered.

870. Are those contracts all made by the Ordnance Board?—They are.

871. Are you aware that any difficulty would arise in New South Wales if a contract could be entered into for the supply of troops as in England, from the diminution of a considerable number of the commissariat kept up principally for that purpose?—I am not able to give an answer to that question.

872. If contracts were to be introduced generally into New South Wales, and the commissariat should in consequence be reduced in number, would not the details of the receipts and distributions, hitherto performed by the commissariat, fall on the contractors?—That would depend upon the conditions of the contract. In the event of contracts being made, the contractor would be bound to furnish his accounts to the commissariat; and although the provisions might be supplied through the intervention of the contractor, the commissaries would be responsible for the proper completion of the contracts and the delivery of the articles, according to the stipulations.

873. Would not the contractors increase the price of their contracts in proportion as they took upon themselves additional duties, in consequence of the reduction of the commissariat?—No doubt of it; I think it very likely that there would be an increased charge on the part of the contractor. If the contractor were compelled to deliver the articles at various places, of course his expenses would be increased, and his contract would be higher.

874. Do you not think that the increased price so put on by the contractors might equal, if not exceed, the amount saved by the reduction of the commissariat?—That is one of the points I wish to draw the attention of the Committee to. A very small increase in the price of an article of much consumption, or in the price of the ration, would perhaps greatly counterbalance any saving that might be effected by reducing the strength of the commissariat. It should also be borne in mind, that in diminishing the means of superintending and checking the proceedings of the contractors, the military, or the parties to receive the provisions, would be very much at the mercy of the contractors, and a laxity would grow out of that business unless watched by the commissary.

875. Do you mean to say that that laxity in England has grown up where the provisions are delivered by the contractor to the person belonging to the regiment?—The circumstances of the two countries are so wholly different that we cannot apply the same reasoning to New South Wales as to England.

876. Do you not think all chance of laxity is completely put an end to by the general competition where contracts are offered?—I think the chance of laxity in England is very much diminished by the general competition; but that does not apply to New South Wales.

877. Are you able to tell whether there is a corresponding increase in the price of provisions supplied in New South Wales in consequence of the reduction of the commissariat, in consequence of the establishment of the contract system?—I cannot answer that question.

878. Have you the means of ascertaining that?—The increase of price might arise from causes quite distinct from a reduction of the commissariat.

879. Do the troops receive their provisions from the contractors themselves, or are they received by the commissary and by the commissary's hand delivered?—In some instances they are delivered by the contractor, and in other instances delivered by the commissary.

880. Will you give a statement showing the amount of arrears at the time alluded to, for what years, and what is the progress that has been made, and the establishment requisite for bringing up those arrears?—I can state from memory that that arrear has not been proceeded with very materially; it is an extremely heavy arrear. The establishment formed for the current business could not undertake the examination of it, and the officer directed to form the establishment for the arrear, was not able to form it in the colony.

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881. State the circumstances that led to that arrear, and what measures have been taken to bring that up, and also to prevent that arrear in future?—The accounts which are in arrear consist of the store and provision accounts of the service in New South Wales, for the years 1829 and 1830. A separate department for the purpose of examining the accounts upon the spot, was first established at Sydney in the year 1824. An able officer of the commissariat was appointed by the Treasury Board, and he commenced this duty in May of that year, assisted by two junior officers. The business of supplying the wants of the convicts with provisions, clothing and materials, &c., in addition to various other duties, had rendered the accounts of the commissariat so voluminous, and the duty of the department so intricate and troublesome, that it became absolutely necessary to frame various regulations, with a view to simplify the details of this branch of the service, and to bring the plan of account into a more practicable shape. The commissary of accounts was called upon to assist in the proceedings that were instituted to effect this object, and much time was unavoidably devoted to it. His time and attention were, moreover, much engaged in the consideration of other matters of a colonial nature, for which the governor required his assistance, and the examination of the commissariat accounts thus unavoidably fell into arrear. This officer was eventually removed to a separate and distinct office, as auditor of the colonial revenue in New South Wales; and on his being succeeded in the charge of the department of accounts, in the beginning of the year 1829, his successor found a considerable arrear of accounts in the office. He consequently represented to the governor the inadequacy of the assistance which had been assigned to him for the performance of his duties, and he represented the inconvenience and delay that resulted from the frequent interruptions to the regular business of the office, by withdrawing the officer at the head of this department to attend on boards of inquiry, &c. In October following he again urged the want of assistance, and stated that much remained in arrear to be done before the examination of the current accounts could properly be proceeded with, and that accounts must accumulate for want of sufficient aid. The governor authorized his employing three temporary clerks, which the Treasury Board subsequently sanctioned, desiring however that this additional assistance should be reduced as soon as it could be dispensed with. This addition to the number did not give much strength to the establishment, because the temporary clerks engaged upon the spot could not render much useful aid in the business of the office, which required experienced hands. The establishment, therefore, in applying their attention to the arrear, and to the accounts of the current cash transactions, were obliged to leave the current store accounts to be examined at a more convenient opportunity. These store accounts for the years 1829 and 1830, thus formed an arrear, comprising several tons in weight, and it was deemed advisable to send them home for examination, the duplicate sets being retained upon the spot, subject to such orders as the Treasury Board might think it necessary to give regarding them. The Treasury Board, under the advice of the comptroller of army accounts, who strongly recommended that they should undergo a previous examination upon the spot, authorized the formation of an establishment at Sydney, for the especial purpose of examining the duplicate sets which had been retained at Sydney. The reports from Assistant Commissary-general Hayward, of the 6th December 1833, and the 22d March 1834 [*delivering them in*—vide *Appendix*], explain the steps taken with a view to carry their Lordships' intention into effect, and the difficulties that have hitherto prevented the accomplishment of this object. The zeal and assiduity of Mr. Hayward have been successfully exerted in getting through a considerable arrear of other accounts which he found in the office on taking charge of the department of accounts in July 1831; and the reports of the proceedings of that officer show that the examination of the commissariat accounts, which are still very voluminous, for the current services, is conducted by Mr. Hayward as expeditiously as is consistent with the elaborate attention which they require.

882. Were the accounts which accumulated in New South Wales sent home by the direction of the Treasury for examination here?—They were sent home by the direction of the Governor on the spot, not by the direction of the Treasury.

883. Are they in point of fact in this country?—The sets sent home are still in this country; the Treasury directed that the duplicate sets which were in the colony should remain there, and be examined on the spot.

884. Is there any intention that they should be examined in this country, and not in New South Wales?—Not at present.

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885. Are these accounts likely ever to be examined?—I am not prepared to state what may eventually be done with them.

886. Do you not think there would be an uncertainty in the supplies undertaken by contractors in New South Wales?—My impression is, from the correspondence which has passed under my notice, that in the present state of the colony there must be great uncertainty in the performance of engagements made by contractors.

887. Then in case of failure of the contractors by bankruptcy, insolvency, want of capital, or otherwise, what would be the situation of the troops?—It is difficult to say what would be the situation of the troops.

888. Might they not be very much distressed in consequence?—Unquestionably so.

889. Can you state in what situation the commissariat establishment in Van Diemen's Land is; are the supplies necessary furnished by contract, or are the whole supplied by the establishment?—I do not recollect at present whether they are now supplied by the establishment.

890. Has the contract system been at all attempted in Van Diemen's Land?—Partially attempted. I believe the colony is not sufficiently advanced for the general application of that system.

891. With respect to the charge for the commissariat at Van Diemen's Land, there appears at Macquarrie Harbour to be a detachment of 33 men, and there is an establishment of one deputy-assistant commissary-general, and three clerks; do you know the number of convicts there?—I do not.

892. Do you know in what state the accounts of the commissariat department are?—I cannot state that precisely.

893. Are there any arrears?—I believe not.

894. You are aware that the charge for pay and allowance of the commissariat department is 4,861 *l.* 2 *s.* 10 *d.*, and 880 *l.* 2 *s.* 8 *d.*, for that year; take the same number of troops, and state, in the same manner which you have been asked to do with respect to New South Wales, what is the system observed there, and whether the accounts are well brought up?—The commissariat duties in Van Diemen's Land partake so much of the character of the duties of the department in New South Wales, that the remarks already submitted to the Committee respecting the duties of the commissariat in the latter colony, apply in a great degree to the duties of the department in Van Diemen's Land.

In both colonies there is much detail that is unavoidable in the business of supplying the convicts with provisions, tools and necessaries, in consequence of the various employments and situations of the convicts; some in gaols, others in chains in road parties, others at the penal settlements and penitentiaries and the hospitals; all of which, combined with the necessary dispersion of the troops, greatly augment the detail and vouchers of the commissariat accounts, which are nevertheless regularly rendered to the department of accounts for examination.

In Van Diemen's Land the commissariat have also the duty of providing all articles that are required by the colonial government.

Although the system of providing by contract has been introduced in Van Diemen's Land, it cannot at present be depended upon; the commissariat consequently are obliged to make arrangements for ensuring regular supplies, that the troops and the convicts may not be exposed to the serious consequences that would otherwise result in case of failure on the part of contractors.

The following extract of a report from the commissariat officer in charge, dated Hobart Town, 8 February 1834, will show that such precautionary measures are necessary, and that depôts of provisions cannot be safely dispensed with:—

"I have on former occasions informed their Lordships that there are few contractors in this colony of sufficient means or credit to enable them to fulfil their engagements; and unless I occasionally assisted them with advances before their monthly accounts were rendered, or became due, I should not be able to procure the necessary supplies to carry on the service. It will, therefore, appear evident to their Lordships that there exists a necessity to secure at harvest time, when at the lowest price, a sufficient supply of wheat to meet the demand, or I should not only be at the mercy of the bakers, but in all probability oftentimes in want of bread."

In addition to the colonial stores and the convict stores, which the commissariat have under their charge, they receive into store and issue (or by public sale dispose of such as are not required for the troops) the surplus provisions landed from the convict ships.

In this colony there are 11 stations, at such distance from head-quarters, and from each other, as to require at each station the presence of one or more individuals of the commissariat.

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At Hobart Town, the head-quarters, the general arrangements are formed; the proceedings at the out-stations are superintended during their progress, and the accounts of the expenditure in cash, provisions and stores, for the whole of the services, military, colonial and convict, are controlled, checked and rendered, with all requisite vouchers in support thereof, to the department of accounts, for examination upon the spot, previously to their being transmitted to the Commissioners for Auditing the Public Accounts in England, for final audit.

Richmond is a station 10 miles N.E. of Hobart Town.

Brighton	16 Miles	N.
Torell	22 —	N.E.
New Norfolk	22 —	N.W.
Bothwell	45 —	N.W.
Oatlands	50 —	N.
Ross	74 —	N.N.E.
George Town	164 —	N.
Launceston	124 —	N., is a penal settlement.

And Port Arthur, on Tasman's Peninsula, is also a penal settlement, where a considerable number of convicts are confined.

In the estimate of the probable expenditure of the commissariat, for the year 1835–6, amounting to 150,660 *l.*, the following items are included; viz.

Supplies of provisions	£. 59,356
Fuel and light	3,775
Transport	1,000
Ordinaries	20,954
Convict establishment	45,370

The arrival of convicts from England, and the number to be rationed by government, is so very uncertain, that all previous calculation is difficult, and liable to be defeated; an addition of from 5,000 *l.* to 10,000 *l.* might therefore be necessary, nder the head of "Supplies."

At the period when this estimate was framed, a committee was engaged in Hobart Town in investigating all the circumstances connected with the scales of diet required to be issued to convicts on the roads, in hospitals, in the chain gangs, and in the house of correction; and from the inquiries then made, there would probably result a considerable decrease in the issues of meat and flour.

From this brief exposition of the nature of the duties of the commissariat in Van Diemen's Land, it will readily be admitted that the various details arising out of the execution of these services cannot be performed without a considerable establishment.

In the year 1832, the commissariat department in Van Diemen's Land consisted of,

1	Assistant Commissary-general in charge.
5	Deputy Assistants.
13	Clerks.
6	Storekeepers.
14	Inferior persons.
39	Persons.

Making a Total of

This establishment may perhaps appear at first sight to be rather large; but it is right to remark, that a great proportion consists of subordinate persons, and that the individuals of this description, who are unavoidably employed, afford but very little efficient assistance.

The lieutenant-governor, in a communication addressed to the Treasury Board, dated the 3d September 1832, expressed his opinion, "that the strength at present of the commissariat establishment is inadequate to the performance of the duties that are required, without extreme difficulty and embarrassment."

The Treasury Board have always been desirous of keeping down the establishment to the lowest scale consistent with the proper performance of the public service. In the last year, 1834, the establishment of the commissariat consisted of 34 persons, being a reduction of five from the number above stated; and in March of the present year the lieutenant-governor was directed, in pursuance of a Minute of the Board of Treasury, to institute a complete revision of the commissariat department, and to report to their Lordships, for their consideration, the numbers and ranks of the officers, clerks, &c. that he may propose to be retained in that branch of the service.

Veneris, 17° *die Julii*, 1835.

ROBERT GORDON, ESQUIRE, IN THE CHAIR.

Deputy Assistant Commissary-General *William J. Greig*, Esq., called in; and Examined.

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895. YOU have served in the commissariat in Canada?—Yes.

896. For many years?—For 21 years.

897. In different grades?—I have been 21 years in my present grade.

898. What is your present grade?—Deputy-assistant commissary-general.

899. When did you leave Canada?—In October 1833.

900. Have you ever had anything to do with the commissariat in Nova Scotia?—I have not.

901. We find upon reference to the accounts, that the expense of the commissariat in Nova Scotia is one-third only of the expense of the commissariat in Canada, with nearly the same number of troops; can you give us any explanation of the reason of the great expense of the commissariat in Canada compared with that of Nova Scotia?—The force of Nova Scotia is concentrated; there are not above three or four stations; in Canada there are 11 or 12 stations; it is a very extensive command.

902. Do you consider that that circumstance alone, of a greater number of stations, is sufficient to account for the disproportionate expense of the commissariat in those two colonies; have you any other reasons to give?—No; I am not aware that any other reason is assigned.

903. Have the commissaries any peculiar duties to discharge in Canada that they have not in other colonies?—That I cannot say, not having served in other colonies.

904. What other duties have they in Canada?—In the ordnance department: when I was stationed at Quebec, for all building materials that were required for public works, requisitions were made by the engineers, and then by the ordnance, upon the commissariat, for those materials; they were then supplied by the commissariat to the engineer officer; those materials were never seen by the ordnance, but they certified to the receipt of them; in fact it was a mere paper transaction as far as the ordnance were concerned. At Kingston, in the same way, we advertised for the carrying on the public works, invited competition, entered into contracts, supplied the ordnance with money, paid their drafts, and they were permitted to draw for any sum from 5*l.* and upwards. Now it would have been no more trouble to the commissariat officer at Kingston to have paid the individual that supplied the article, instead of going to the ordnance officer and getting a draft, which was brought to me as the officer paying the money; it gave me additional work, as I had to make an abstract of those drafts. The duty appears to me twice done, and it is my opinion there is a vast deal more writing in public offices than is necessary.

905. Do you pay by drafts on the bank, or keep money in hand?—The change had just taken place before I left.

906. When you were present the money was paid by you as treasurer?—I had the custody of the money: since then I have understood that the payments were made by the Montreal bank in Canada, and I believe they have branches in different parts of the province.

907. In the payments you made on account of the ordnance department, had you any check on the accuracy or the amount of the account, or merely the payment of the money?—Upon the ordnance storekeeper's signature, countersigned by the senior respective officers of the ordnance; their signature was the authority. I could not say what it was for, or whether it was correct.

908. You had nothing to do to sanction the charge?—No.

909. How did you pay the pensioners of the artillery?—They are not paid by us, they are paid by the ordnance. The Chelsea pensioners, Kilmainham half-pay retired allowance, and widows' pensions, and staff pay of the army, are charges under the head of ordinaries of the army; they are paid by the commissariat, and are a great increase of duty.

910. Are

910. Are they paid half-yearly or quarterly?—Regularly quarterly.

911. Are they paid at head quarters?—No, at several distinct stations.

912. Are there any collectors or resident individuals in the civil government there, through whom those payments could be made?—Not that I am aware of.

913. Is there any collector of taxes in those districts?—I dare say there are: in all the counties in Upper Canada there are county treasurers; those are civil appointments made by the governor of the province.

914. Has any attempt been made to pay those pensioners through the county treasurer, the same as pensions and militia payments in England are made through the receiver of taxes, excise or customs?—In the Bathurst or Rideau Canal district, there are several hundred pensioners residing, and they have two or three agents at Perth.

915. Agents of their own?—Yes, with whom they deposit their vouchers quarterly, acquitted and complete in every particular, and those are sent to the commissariat officer at Bytown; it is to save those poor people the trouble of going 60 or 70 miles to obtain payment, and the draft for the amount is transmitted to those agents.

916. Are those agents sanctioned by the government in any way?—The commissary-general is considered the person to authorize them.

917. Is there any per centage paid to that agent by the parties receiving the money?—I do not know.

918. Are they paid anything by the commissary-general?—No; they are nearly all shopkeepers, and the pensioners deal with them.

919. Are we to understand that the pensioners of each district send their several receipts generally through the agent, who transmits them to head-quarters, and do not generally apply themselves?—In Quebec they generally apply individually, they generally reside in the city; but not so in the out-stations, where it would be a serious expense to them.

920. What you state is the general course?—Particularly at that particular station, Bytown; an officer is sent there annually. I have been there on two or three occasions to identify those pensioners.

921. What security or check is there against fraud on the part of those pensioners; a man may be dead, and the voucher transferred to another?—I have been twice there to identify the pensioners, and to examine the men; to question them and look to their instructions, and see that the description of them is right, and that the height and complexion corresponds; most of those men I have seen so often I know them.

922. How often is this inspection?—Once a year: very many of those men merely make a cross; the consequence is that fraud could be easily perpetrated.

923. Might not, in that case, the agent of the public, the collector or treasurer of the county, be made use of for identifying the individuals annually; thus saving that trouble and expense to the public?—Yes, if you can get them to do it.

924. You were going on to state the other duties of the commissariat?—The distribution of presents to the Indians.

925. Have you yourself attended at any of those distributions?—Yes, I have.

926. At what place did you attend that distribution?—When I was stationed at Toronto, late York, in Upper Canada, I attended to issue presents to the Six-nation Indians.

927. At what place?—At Blandford, on the Grand River.

928. What is the nearest station to that?—Toronto.

929. At what distance?—From Toronto to the head of the lake, it is nearly 90 miles.

930. How many Indians attended?—I should say from 1,200 to 1,400 probably; there were 20 different tribes.

931. At what months in the year?—The month of October.

932. One a year?—This was annually.

933. Is the distribution always made at the same place?—I believe so.

934. What were the articles distributed?—A great variety; I dare say I must have had from 70 to 80 bales, blankets, cloth, and silver trinkets.

935. Any hardware?—Yes.

936. Are you sending gradually now more useful things?—There were cooking utensils, ammunition, fire-arms, shot and ball.

937. Did you take all those things up with you, or is there any depôt kept there?—I entered

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—I entered into an agreement for a steam-boat, and they were transferred to the head of the lake to Hamilton, and then transferred by land.

938. Did you distribute the whole of them?—Yes, there were some few remnants remaining, that were distributed by the superintendent to the most deserving Indians.

939. Under what orders did you act, and with whom did you communicate?—Colonel Givens was the superintendent of the Indian department; he accompanied me.

940. What steps were taken on your arrival?—He accompanied me, with a clerk of the Indian department.

941. You had a clerk with you?—I had an issuer; there was a Major Wynnett, and a subaltern; he acted as the commanding officer of the expedition. There is always a military officer accompanies the party, to see that the thing is properly done.

942. What is the duty of the chief of the Indian department?—His duty is to hear if the Indians have anything to state; the Indians held a council, and he attended.

943. On your arrival there, what measures are taken, and how is the distribution regulated?—The allowance is stated on the estimate, which the Indian department have.

944. You mean a scheme of distribution?—Yes.

945. Who regulates the quantity to be delivered to each nation?—The Indian department, I suppose.

946. Then your duty in the commissariat is merely a distribution, according to the scheme put into your hands?—The issuer and clerk of the department open the bales, and measure out the exact portions to each tribe.

947. According to the scheme put into their hands?—Yes.

948. Do you furnish a scheme to the commissariat?—No, I had very little to do with it.

949. How do you report to your chief?—A requisition is sent to the commissariat department, the amount of it is authenticated by the superintendent of the Indian department; he gives a receipt, and I enter it in my account as a final issue.

950. You are a mere issuer upon that indent?—Yes, exactly.

951. And that duty done, you return to the station?—Yes.

952. What is there to prevent the officer of the Indian department seeing them distributed?—I think the duty could be done by the commissariat without the Indian department; I think that the Indian department is very useless, many of them. I conceive, if you have interpreters where the issues of presents are made, I mean men employed on a salary, instead of the overwhelming Indian department, it would be quite sufficient.

953. There are interpreters there?—Yes.

954. Do any observations occur to you, as to a better and cheaper mode of distribution than that which is now used?—I have never considered the subject, I never having been on this service but once. I do not think I am competent to give an opinion, but I do think that the duties might be performed by the commissariat, by having an interpreter; these interpreters speak the Indian languages, which are numerous; there is no commissariat officer that could make himself understood to those Indians.

955. Do none of those nations, so long in communication with the English, speak the English language?—Yes, a great many of them.

956. Have they any interpreters to answer that purpose?—I have met with very many Indians that speak English, and I should think in that particular district that they all speak English, or most of them.

957. Are there any English schools established among them?—Yes, I understand there are.

958. Under whose department would they be; would they be under the head of the Indian department?—Yes, I should think they are.

959. How many days did you stay there?—Altogether, we were absent about 10 days.

960. Did they come down on the day you arrived, and go away when you retired?—The issues were completed, I believe, in three days.

961. From what distance did they come down to Blandford?—That I cannot tell, they were distributed all over the country; they all came down in their carts and

and waggons, in the Indian costume; but they are farmers generally, civilized Indians.

962. Is there any permanent depôt, or individual resident, at Blandford?—No depôt, but I believe a superintendent resides there.

963. Is that the only station in Upper Canada where a distribution takes place?—No, there is Amherstburg.

964. There appear to be two deputy-assistant commissaries-general, one issuer, and one labourer, at an expense of nearly 600 *l.*; can you state the duties they have to perform, seeing there are only 49 rank and file of all classes stationed there?—They have the supply of this detachment; and there are others, the Indian departments, &c. &c.

965. Have you ever been there?—No; but the commissariat have all the payments to make, and the Indian presents to issue there.

966. In the same way as at Blandford?—Yes, but it is much more an Indian country; those Indians frequently have provisions issued to them. Indians come in very frequently in distress, and I believe there is an authority to permit the commanding officer to issue provisions under his signature, on the representation of the Indian department.

967. In what way is it brought to account?—It is charged in the commissariat account. I know that provisions have been issued by myself to Indians at York.

968. Do you recollect what month in the year the distribution takes place at Amherstburg?—No.

969. Have you any idea of whether one-fourth or one-half of the presents for the whole of Canada were distributed at Blandford?—I cannot say.

970. For the supply of 50 men, a separate establishment, a commissariat, would be required if there was no distribution of those presents?—Yes, of course; if they are supplied by a commissariat, 50 or 100 men give you as much trouble, and the same forms of account are gone through, as a regiment.

971. Is there any other Indian station?—The bay of Quenté, near Kingston; they are supplied from Kingston.

972. Is there any station at the spot, or does some individual go out as you did from Blandford?—Yes, in the same way.

973. In what month?—I do not know.

974. In what manner do you supply the station at Penetanguishine?—I was not there; when we gave up Drummond Island we removed to Penetanguishine, and that is our naval head-quarters on Lake Huron.

975. But at this time are there any other dependencies upon it?—No, it is a dependency of itself; it gets its supply from York.

976. Do they not always contract to supply rations deliverable to the troops, or are they contracted for and delivered to you who issue them?—While I was at York, I contracted with an individual near Penetanguishine; he supplied the navy and the troops stationed there.

977. Did he deliver so many rations on the indent of the commanding officer, and deliver them to the men, or deliver them to you to issue?—The fresh meat was supplied by the contractor under his contract.

978. You first made a contract; is the contractor bound to deliver the rations according to the indent of the commanding officer commanding the district, or does the contractor deliver the rations to the commissariat, and the commissariat re-issue them to the troops?—They go through the commissariat: a return is made signed by the commanding officer, and brought to the commissariat office; if it is correct, the commissariat takes an acquittance of the officer entitled to receive them, and upon that he issues his check upon the contractor.

979. The provisions do not actually come into your hands?—No, not the fresh provisions.

980. Generally speaking, they are issued under your sanction; your sanction being necessary for the agent at the store?—Yes.

981. Do you advertise publicly in the papers for contracts?—Yes, on all occasions.

982. Who receives and opens the tenders, and decides?—The tenders are received and opened in the presence of the commissariat officer, and the officer commanding at the station.

983. In advertising for the tenders, you specify about the average number you expect?—Yes, more or less. Another thing I beg to state; after the receipt of those tenders, the commissariat officer decides which tender is to be accepted, but

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there is a schedule made of those tenders in the presence of the commanding officer, and he certifies, and the commissariat officer, that those tenders were opened in their presence.

984. Supposing a complaint is made of the badness of the article by any of the men, or by any persons connected with the station, to whom is the complaint made?—To the commissariat officer; it is made to the commanding officer in the first instance, and he represents it to the commissariat.

985. Is it your duty to inspect it, and make a report?—Yes, it depends upon the way in which the contract is drawn up; I have seen contracts drawn up in which the commissariat officer was the sole judge, and there was no appeal to any other judge, which made those contractors more vigilant; but there ought to be no complaint from the troops. The contractor's stores happened to be, when I was stationed at Niagara, very near my residence, and I used to attend in the morning; for it is possible that an understanding between the contractors and the quarter-masters or sergeants might exist, to the detriment of the soldier; they may say, we require such and such for our own mess, and the refuse or inferior article might be given to the soldier: as the soldier has nothing but his ration to depend upon, he ought to get it good.

986. You have mentioned that you have attended at the contractor's stores; wherever there is a contract, has the contractor a store?—Yes, at his own expense, unless the commissariat had a store that is no use to the public service; he is allowed then to make use of it.

987. Did you hear of any difficulty in any part of Canada in receiving tenders, when due notice was given?—No.

988. Have you ever known contractors fail in their engagements?—I believe they have occasionally.

989. Do you demand security?—Yes.

990. Eventually the public do not suffer?—No. I have on two or three occasions at Niagara, when the troops have actually taken the meat, insisted upon the meat being returned, as I did not think it of a good quality; and I sent to the market and purchased meat, and deducted the amount from the contractor's account at the end of the month.

991. In all cases do the troops receive their rations direct from the hands of the contractor, or in any cases do they receive their provisions from the commissariat's stores?—Wherever I have served, the provisions have been issued by the contractor, upon orders from the commissariat officer.

992. Would there be any difficulty, in case of the absence of the commissariat upon any station in Canada, in the troops obtaining supplies by their own regimental contracts?—I do not see that there would be any difficulty in it, but there are regular accounts kept.

993. Is there any station at Canada in which, if there was no commissariat, the troops in passing through the country might be exposed to inconvenience for the want of a supply?—If there is a previous notice of a few days, the commanding officer makes his arrangements.

994. In time of peace, no troops do pass from one district to another without previous notice?—It is always announced when troops are moving; the changes are periodical.

995. What does a soldier receive for his ration in Canada?—A pound of bread and a pound of beef every day.

996. What does he pay for it?—Five pence.

997. Does it vary according to the price?—No, it is always the same.

998. Is it a pound of meat exclusive of bone?—No.

Mr. *Henry Chapman*, called in; and Examined.

Mr. *Henry Chapman*.

999. WHAT is your profession?—I am of no profession.

1000. Where have you resided?—In Canada nearly 12 years.

1001. As a land proprietor?—No; in the early part of my career I was a merchant, but latterly I was the editor and proprietor of a daily paper at Montreal, which I have sold: during the early part of my residence I was at Quebec.

1002. Can you give the Committee any information as to the commissariat department?—I have no knowledge of the commissariat department especially, but I believe, that the circumstances of Canada would render the commissariat either

either wholly unnecessary, or else a very small one necessary: from the resources of Canada, and the excellent supply of the markets, there is very little need of a commissariat establishment, as far as I understand.

1003. Have you ever been in Nova Scotia?—No, never; I have been in all parts of Canada.

1004. Are you aware that there are many duties thrown upon the commissariat in Canada, besides that of superintending the feeding of the troops?—I believe a considerable quantity of the paying of the troops rests with them.

1005. Are you not aware that they take an active part in the distribution of presents to the Indians?—Yes, I am.

1006. Can you give us any information as to the distribution of those presents, and how far the duties now performed by the commissariat may be performed by the Indian department, or the duties of the Indian department performed by the commissariat?—I should think that the commissariat would be quite competent to distribute the presents without any Indian department, which is an expensive machine.

1007. Are you aware of the duties performed by the Indian department?—Nothing, I believe, but distributing the presents; I see the officers of the Indian department about the town all the year, except during a short time, when they make journies to the Indian settlements to distribute the presents.

1008. You do not think the double department, the Indian and the commissariat, is necessary to distribute the presents?—I think not.

1009. Has the Indian department nothing to do with keeping up communications and receiving remonstrances or complaints from the Indians?—I am not aware of any; some complaints have been made by the Indians, but those I recollect have been made to the House of Assembly of Lower Canada.

1010. Are you aware that the commissariat supplies food to the Indians, if they are reduced to a state of want?—I believe they do in some cases, but they are rare.

1011. Are you aware of all the duties that are performed by the commissariat in Canada?—No, I am not; I would state I know but little of the duties of the commissariat.

1012. If you do not keep up the Indian department, you must keep up the commissariat?—Yes, if it is the opinion of the government that the system of Indian presents should be kept up.

1013. Do you know anything about the presents?—I have seen them distributed.

1014. What are the sort of presents?—They give them blankets, guns, gunflints, pots and pans, and various other useful things.

1015. Any ammunition?—Yes.

1016. Implements of husbandry?—No, generally what relates to hunting: there is very little agriculture except at one or two small settlements; there is a settlement at Lorette, which is a small station, a remnant of the Huron nation; there is also a settlement at Saint Leges, through the centre of which runs the line that divides the United States from the Canadas; it is in 45°.

1017. You have been present at the distribution of the presents?—Yes.

1018. Where?—At Port Leve, near Quebec.

1019. You have never gone to Amherstburg?—No; that is the most important distribution.

1020. Who were the persons that took the principal part in the distribution of those presents; was it the commissariat or the Indian department?—I think the Quebec distribution is managed by the commissariat department, but the officers are dressed so nearly alike, it is difficult to distinguish them.

1021. Are these presents kept by the Indians, or bartered away?—They are bartered for drink; it is a notorious fact, that when the presents are distributed, the night following is a night of drunkenness and maddening debauchery; and the impression is now that it would be cheaper to give the Indians drink at once, as they are sure to get it afterwards.

1022. When did you leave Canada?—On Chrismas-eve. The government can have no more control over the Indians than over me; they cannot prevent the Indians buying rum; persons will always bring it to them, and my notion is that a very small portion of the Indian presents find their way into the country.

1023. Do you know whether the officers of the Indian department discharge

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any other duties than those connected with the Indian presents?—No, I am not aware of any others.

1024. Are you aware that out of the whole sum of 20,000 *l.*, that nearly one-fourth of it is paid to the Indian department?—Yes, I have understood so, 4,700 *l.*

1025. Do you think that necessary?—No, quite unnecessary; from the small number of Indians in Canada, I should say the necessity did not exist.

1026. Do the officers of the Indian department perform any other duties?—I believe they perform no duties except those connected with the Indians: if the duty of the Indian department be confined, or nearly confined, to the distribution of presents, the duty is and can be actually performed in a very few days, so that the whole of the remaining part of the year the department is idle.

Mr. *William Bryan*, called in; and Examined.

Mr. *Wm. Bryan.*

1027. YOU have come from Australia lately?—I came from Sydney the 17th of December.

1028. Had you been there long?—In Sydney only four months.

1029. In the colony?—In Van Diemen's Land 10 years.

1030. You were a settler there?—Yes.

1031. Can you give us any information as to the commissariat at Van Diemen's Land and Australia?—If I was asked any particular questions, probably I might; but generally I have not been in any way connected with the military service.

1032. Would there be any difficulty in Australia and Van Diemen's Land in supplying the troops by contracts, with what they are supplied now by the commissariat department?—They are supplied by contracts; there is a regular advertisement.

1033. They are supplied by contracts made with the commissariat?—Yes.

1034. They are supplied by the commissariat from their own store?—No; there are advertisements given out that troops stationed so and so would require to be rationed, and then contractors propose to ration them with meat and flour: the tea, tobacco, sugar and spirits, are supplied from the commissariat store. I was contractor for meat for one year.

1035. There is never any difficulty in getting tenders?—No, quite the contrary; there is great competition.

1036. The meat and bread is supplied at once to the officer at the station, or the commissariat?—Yes; I speak of the out-stations.

1037. Who makes the bread?—The soldiers make the bread.

1038. Do you believe that the system of contracts to be universally adopted?—I speak of Van Diemen's Land, it is positively so there; and I am convinced that at Sydney it could be applied.

1039. You are of opinion it might be so there, if it is not so?—Yes.

1040. Is there capability in New South Wales to supply those things by contracts?—I conceive there are materials to be had in New South Wales to supply them with every article they can require; and there is capital and mercantile speculation, and persons dispersed all over the country to supply the articles. I would state that great loss has been sustained from not keeping the stores in Van Diemen's Land filled with grain; a scarcity arose at the latter end of the year, and His Majesty was paying 18 *s.* a bushel for his wheat.

1041. That must be great neglect on the part of the commissary?—No doubt; and a great act of ignorance on the part of the government putting forward advertisements later in the year than they ought to do, about the spring of the year 1833, stating that there was abundance of wheat in the colonies, when if merchants or country gentlemen had been consulted, the contrary would have been proved to have been the case: the injury to the public at large was immense, and in all probability will be one of the causes of high prices for grain this year. The cartage of commissariat stores to out-stations, &c. must form a very considerable item of colonial expenditure; this might, in part, be lessened by doing everything by tender, the articles to be delivered where required for use.

Mr. *George Fairfowl*, called in; and Examined.

Mr. *George Fairfowl.*

1042. ARE you lately come from Australia?—I left it nine months ago.

1043. Can you give the Committee any information as to the commissariat establishment

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blishment at Australia or Van Diemen's Land?—No, not much; I know that everything is done by tender now.

1044. Everything is done by contract?—Yes, and public tender.

1045. How long has it been so?—Four or five years.

1046. The troops are not fed from the commissariat depôts, but are fed from the contractors' depôts?—I am not sure that I can answer that question positively: they are fed both ways; the out-stations are principally fed from the contractors' depôts, but in Moreton Bay and Norfolk Island they are fed from the commissariat; these provisions, however, with the exception of some turned into store from convict transports, &c., are purchased by the commissariat by public tender. There are at present no means of sending stores to those places but by the government vessels, or in cases of emergency, by vessels hired for the purpose.

1047. The contracts are not universal?—I fancy not.

1048. Supposing they were to contract at Sydney or other places, could not the contractor send stores in the same way that the government could?—It is very possible, but the government boats always take them.

1049. Do you believe, at all the other stations, the troops are fed from the contractors' stores?—I believe so.

1050. Is there any difficulty in finding persons who will contract to supply the troops with provisions?—No, none at all; there is great competition for it.

1051. Do you suppose that the colony is capable of supplying provisions to almost any amount for the troops?—Beef, certainly, to any amount.

1052. Bread?—Yes, in common years, but occasionally there is a scarcity, and then it will come high; this is not a very frequent occurrence.

1053. You are aware of the number of convicts in South Wales?—I am not aware how many are fed by government.

1054. All those, except those that are liberated, are fed by government?—All assigned servants are fed by their masters; emancipists, ticket-of-leave men, are fed by themselves; the convicts retained in government employ, the disabled, and men under punishment, are fed by government, and I am aware that they amount to a considerable number.

1055. Could you name the number?—No.

1056. As far as meat goes there would be no difficulty?—No; for men write, beef is only a penny, or a penny and a fraction of a farthing a pound, under the contract; that is for the convicts; I believe it is 1 ½ *d.* for the soldiers.

1057. Mutton is equally cheap?—Not so cheap, but very cheap; mutton by the joint, from 4 *d.* to 4 ½ *d.*; by the carcass, about 3 *d.* or 3 ½ *d.*

1058. What should you put the average price of bread?—It fluctuates very much; when I came away they were threatened with a scarcity, wheat was 9 *s.* a bushel, and it threatened to be higher, it was 11 *s.*; it is a very uncertain country for wheat; the average price may be taken at 2 *d.* per lb. or rather lower. When the wheat in a scarce year was 13 *s.* per bushel, the 4 lb. loaf was 1 *s.* 1 *d.* Upon the whole, I think the colony is capable of feeding any number of troops or convicts which is likely to be sent out; I should say, double the number it feeds at present: the increased demand would cause an increased production to meet it.

Mercurii, 22° die Julii, 1835.

ROBERT GORDON, ESQUIRE, IN THE CHAIR.

Deputy Assistant Commissary-general *W. J. Greig*, Esq., called in; and further Examined.

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1059. IS it your opinion that the commissariat duties in the Canadas could be conducted with a smaller establishment?—Yes.

1060. Will you state in what manner?—When I was stationed at York, in the years 1827 and 1828, the establishment consisted of myself, a Treasury clerk, two issuers, and a labourer; five altogether. I could have conducted the duties with two persons less.

1061. I believe you are deputy-assistant commissary-general?—Yes.

1062. At York?—Yes.

1063. What do you say the establishment at York could be conducted with?—I am speaking of the years 1827 and 1828.

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1064. You think that is capable of being reduced?—In the years 1827 and 1828 I could have conducted the duties with two persons less. Since 1827 there has been an increase of 459*l.* 9*s.* 1*d.* in the expenses of the establishment, and last year a deputy commissary-general was added to the York establishment; making an increase in the expenditure, since 1827 and 1828, of 1,151*l.* 11*s.* 1*d.* When I heard of this arrangement I expressed my surprise that an officer of the rank of deputy commissary-general should be sent there, since which, however, he has been removed from the command altogether; which goes to prove that I was correct in my opinion. I conceive, however, a deputy commissary-general of ability quite equal to the performance of the duties in Canada, by which change the Treasury will immediately effect a saving of 1,200*l.* per annum. The military pay of the commander of the forces in British North America is 75*s.* 10*d.* per diem; whilst that of the commissary-general, an officer under his command, is 94*s.* 11*d.* per diem. The whole of the pay of the commissariat requires revision.

1065. Then am I to understand, when you were there in the years 1827 and 1828 there was only one assistant commissary-general?—Deputy-assistant commissary-general.

1066. And two issuers?—One Treasury clerk, two issuers, and one labourer.

1067. It appears in the year 1833 that there was an assistant commissary-general, two deputy-assistant commissary-generals, one conductor, and three issuers?—Yes.

1068. Making an increase at York since the year 1827?—Yes.

1069. And yet your opinion is that even the establishment in 1827, when you were there, was more than sufficient?—Certainly.

1070. Are you aware that there has been any increase of duty?—There has been an increase of duty; a great number of pensioners have established themselves at York and in the neighbourhood, which has increased the duty.

1071. Does the increase of pensioners admit of necessity of a greater increase in the establishment?—I should suppose, probably, an additional officer.

1072. Instead of three?—Yes.

1073. Do you think that the establishment in 1827 was more than sufficient to dispatch the business?—There were two more than were necessary. It was no part of my duty to recommend reductions, unless called upon by the head of my department to state my opinion; and even had I been disposed to volunteer an opinion, I should not have done so, for the following reasons: I at that time had from 12,000*l.* to 13,000*l.* in the chest; the expenditure averaged about 2,000*l.* a month; I wrote to the commissary-general, stating to him that I should be very glad to reduce my balance, and if money was required at Kingston I should be very happy to supply it, as I had to count this money every quarter, and it gave a great deal of trouble and I had no use for it, as the British silver paid out of the chest during the month was always brought back to the office for Treasury bills: his reply was, that that was a matter for his consideration, not mine. Had the commissary-general called on me to state conscientiously what establishment it required to conduct the duties at York, I should have stated that I could dispense with the services of two persons.

1074. Now what sort of daily attendance did you, as deputy-assistant commissary-general at York, give?—I was at the office generally every morning at 10 o'clock; whatever payments there were to be made, were made between 10 and half-past three or four o'clock.

1075. Did you remain there the whole of that time?—I remained generally every day; occasionally I have had to go up to the garrison on duty, and down to the contractors, &c.

1076. Your business was daily?—Yes, it was.

1077. What did the conductor do?—There were issues to the troops and to the garrison, and the different departments, &c.

1078. Did those take place daily?—Why, to the troops weekly; but as to the issues to individuals, it was impossible to say at what time they would call; these issues were not so regular as to the troops.

1079. Were the issuers persons who remained in the office: what is the meaning of the word issuer?—They are issuers of stores, provisions, spirits, fuel, &c. It is a subordinate appointment.

1080. Your opinion is, that at York, then, one deputy-assistant commissary-general, one conductor, and one issuer, would have been enough?—Yes, that is my opinion; I could have conducted the duties with that establishment in 1827 and 1828.

1081. You

1081. You could have conducted it with a less establishment at that time?—Yes, I could.

1082. Had you anything to do but to pay money?—Pay money, issue provisions, and issue stores, fuel, &c.

1083. Then your provisions were taken by contract?—The flour was issued to bakers, which I consider a very bad method. I think the better way is to contract for bread baked. The system at some of the stations in Canada is to purchase flour, to issue it to the bakers; and he gives so many pounds of bread for so many pounds of flour.

1084. Can you give, from your own knowledge, any other information as to any other of the commissariat stations?—No.

1085. In the Canadas?—Certainly.

1086. What one?—Fort George.

1087. What do you know of the establishment of Fort George in 1827?—I was ordered to Fort George in 1828, to relieve Deputy-assistant Commissary-general Wickins, and Mr. Wilson, a Treasury clerk. They were ordered to Drummond Island. I relieved two persons there, and I performed the duties of the station with perfect ease.

1088. You think, then, the establishment at Fort George was too large?—Yes, I think it was unnecessary altogether.

1089. That there should be none at all?—In four hours you go from York to Fort George by steam.

1090. Do you think that the whole commissariat establishment at Fort George is unnecessary?—Yes; I will state why it is unnecessary.

1091. Because you can communicate in four hours with York?—Yes, that is one reason; and as everything is done by contract, there is nothing to prevent the officer at York from going over monthly and settling with the contractors, if it is even necessary to keep a detachment there, which I understand it is not.

1092. You consider that the establishment at Fort George is unnecessary altogether?—Yes.

1093. Do you mean to say this, that the additional duty at Fort George can be done with a diminution of establishment, which you also recommend at York?—I am speaking relative to the years 1827, 1828 and 1829; to the years I was in charge at York and Fort George.

1094. When you were there in the year 1827, you not only had not enough to do for yourself, but you could have done all the duties of Fort George without the other establishment?—Yes, in the way I have pointed out.

1095. My question is this, that as you recommend the establishment at Fort George to be done away with, as here stated, altogether, would you think that diminution of establishment, which you also recommend at York, is quite sufficient to do the duty of York and also of Fort George?—Yes, when I was there.

1096. Are you aware of any duties that have been superadded since you were there?—The increase of pensioners, I am not aware of anything else; but I understand that Penetanguishine has added to the duties at York; it was a dependency on York. When I was in charge in 1827 and 1828, I entered into contracts for supplying the naval establishment there, and they drew their supplies of money from my chest; and as far as I was concerned, I considered the duties, I mean the labour, insignificant.

1097. What additional establishment would be necessary in order to pay those pensioners?—I have already stated that an additional officer would be enough. I think that the establishment would be quite equal for the duty, with that additional officer.

1098. Supposing the commissariat establishments at York and Fort George were united, with the additional duty of paying the pensioners, which they have now imposed on them, what would be the establishment which you think sufficient for those two united establishments?—An assistant commissary-general, a deputy-assistant, one conductor, and two issuers; that is about the same establishment I had.

1099. No labourer?—No, the issuers are sufficient.

1100. That would be sufficient to conduct the two united stations of York and Fort George, with the additional duty imposed on them of paying the pensioners?—Yes.

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1101. Do you know anything of any other establishment?—There is Kingston.

1102. At Kingston there appears to be at present an assistant commissary-general, two deputy-assistants, one clerk, two issuers, and one messenger; do you conceive that to be more than sufficient for the establishment in question at present, for the duties which are to be performed?—I think there might be one officer less, or the clerk reduced. When I was stationed there in 1829, I believe the establishment consisted of 10 or 11 persons, and I am of opinion that the duties could have been conducted with three persons less.

1103. Do you know of any other establishment?—Yes, the Rideau Canal, Bytown.

1104. With reference to the Rideau Canal, what can you state with respect to that?—I was stationed there two years, 1830 to 1832; I left in 1832. There were four officers there: there was an assistant commissary-general, three deputy-assistants, a cooper, and a labourer. The duties might have been executed with two officers less: the assistant, in fact, did nothing but sign his name and occasionally write an official letter.

1105. What do you say with regard to any other place?—As a proof of the correctness of what I have stated respecting the Rideau Canal, I beg leave to state that for the first two or three years the duties were performed by Deputy-assistant Commissary-general Miller, and one clerk or conductor, I cannot recollect which; they performed the duties, I believe, for the first two or three years, when there was much more to do than latterly.

1106. What do you know of any other station?—Under commissary-general Turquand, in the year 1825, the commissariat establishment in the Canadas consisted of 79 individuals in roundnumbers of all classes; under Commissary-general Routh, in the year 1833, the commissariat establishment consisted of 84 individuals, notwithstanding that the duties under the latter officer had very much diminished; for instance, the issue of spirits was discontinued to the troops. The accounts for the command are in duplicate, with one abstract only; whereas, under Mr. Turquand, the accounts were in triplicate, and an abstract for every head of service, and there were from 12 to 14 heads of service: therefore, one set of accounts being done away with, and all these abstracts, I should conceive the labour to have been about a third less or nearly a third, and consequently a reduction ought to have taken place in the year 1827. It appears to me very many subordinate appointments in the commissariat may be abolished altogether. There are very few issues now made by the department, if you except the Indian presents, and those occur annually. Most of the supplies for the army are contracted for; consequently the issues are made by the party contracting to furnish these supplies, on orders from the commissariat officer. At all stations where there are barracks (if the public departments are consolidated) there is nothing to prevent the commissariat being in charge of the barracks, by which means a barrack establishment would be unnecessary.

1107. Have you made any calculation in your opinion of the reduction which may take place in the commissariat establishments in Canada, without affecting the service?—I can only state that Deputy Commissary-general Forbes, (now on half-pay in Canada, and who served in those colonies, and has lately returned from Jamaica, a gentleman standing very high in the service, and exceedingly clever in commissariat matters,) has frequently told me that he could conduct the commissariat duties in Canada at half the expense.

1108. Half what expense?—Half the 15,000 *l.*; when I was there the expense was 15,000 *l.*, and Deputy Commissary-general Forbes has expressed to me his astonishment that the authorities should approve of such an establishment.

1109. Is it your opinion that, with the duties that now fall on the commissariat of paying pensioners and of distributing Indian presents, that instead of the commissariat costing 15,000 *l.* a year, that it might be carried on as efficiently for one half that sum?—I should say a third less.

1110. Do you think it might be carried on for 10,000 *l.*?—I think it could.

1111. Have you ever made any representation to the Treasury to that effect?—No, I have not; because it was not my duty to comment upon the conduct of my superiors.

1112. You have never made a representation to that effect in any quarter?—No, I have not; I had some conversation last year with a Member of Parliament, who

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who was one of this Committee, and he gave me a note to Mr. Rice, the present Chancellor of the Exchequer, who saw me and asked me several questions, which he took a note of at the time. The conversation had reference to the reduction in the commissariat establishments in Canada.

1113. Is it your opinion that the ordnance civil establishment would admit of being reduced?—Yes, it is.

1114. In what manner?—Previous to the war, there was no ordnance establishment at Montreal, Isle aux Noix, Kingston, and the Rideau Canal. At present there are large establishments at all these stations, or at least two of them. It appears to me, in the way in which the duties are now conducted, that either the commissariat or the ordnance, no matter which, are quite equal to the duties of both departments.

1115. Supposing you were to carry into effect the contemplated reduction of the ordnance, would the commissariat be susceptible of reduction to the same extent which you have adverted to just now?—That I cannot say, because I do not exactly know the duties of the ordnance. Will the Committee allow me to state a case, but one which shows the system that is pursued in Canada? The accounts in the ordnance are made out in triplicate, and I should imagine the forms were much the same as they were in the reign of Queen Elizabeth: for instance, if any articles be required, say for the adjutant-general's department, a requisition is made by the adjutant-general, approved of by the military secretary, and sent to the ordnance storekeeper; these articles are not in store; the ordnance storekeeper then makes a requisition on the commissary-general, the articles are purchased by the commissariat, and furnished to the adjutant-general; they are never seen by the ordnance. The individual from whom the articles are purchased then makes out a set of accounts in triplicate; he prays to be allowed the sum for the articles that have been supplied to the adjutant-general; the rates are certified by two competent persons to be agreeable to the market-price of the country. The account is on a sheet of foolscap paper: on the first page is the tradesman's account or bill; on the second page is a letter from the senior or chief respective officer, desiring the ordnance storekeeper to pay to the individual who has furnished the articles the amount of the within account; on the third side of the sheet is the receipt; and I have often seen accounts to the amount of half-a-crown made out in that form, with the exception as to the certificate of rates. Now, it appears to me that if the requisition came direct from the adjutant-general to the commissary-general, it would save an immense deal of trouble; or indeed to the ordnance storekeeper.

1116. There would be a consequent saving of expense in the clerical department?—No doubt of it. For all building materials required for fortifications, barracks, &c. under the control of the royal engineers, the requisitions are made in the same manner; instead of applying direct to the commissariat, everything has to go through the ordnance; by which it would appear that these duties are performed by the ordnance, when in fact they are executed by the commissariat, who have to advertise, to enter into contracts, to raise money, and make the payments upon ordnance drafts, which is also an increase of labour to both departments.

1117. Are the two departments, in point of fact, blended together in a certain way?—They are very distinct: all this I imagine is intended as a check, but I do not see that it is any check. I conceive the certificate of receipt (on the face of the voucher) of the head of the department for whom the articles are required and supplied is quite sufficient, and ought to be considered perfectly satisfactory to the public.

1118. And there are valuers as to the price, are there?—All accounts over 10 *l.* are certified by competent persons, as to the fairness of the charges.

1119. Do you think any considerable saving of expense would be effected by simplifying the mode of keeping these accounts?—No doubt of it; I have a system of accounts that I have drawn up applicable to the colonies, which would simplify and reduce the expense very materially.

1120. Do you think if the ordnance department in Lower Canada was reduced to the extent which you have suggested, that the commissariat would be then capable of the same reduction which you have also recommended?—The estimate states 15,000*l.* a year for the ordnance, and 15,000*l.* for the commissariat; I think 15,000*l.* a year would perform the duties of both departments, provided the services are united. In the commissariat it frequently happens that

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inefficient officers are employed who do nothing. I have served with four assistant commissaries-general in Canada, who did nothing but sign their names; the whole duty was performed by myself and other junior officers; all they did was to impede the service. For instance, if a draft was required at any one of the out-stations, or any other document requiring the signature of the assistant commissary-general in charge, if he was not in the office the party had to call again; while the junior officer was generally at his post and could have signed the document.

1121. Can you give any information respecting the telegraphic department in Canada?—The telegraph department is paid out of the military chest, and I think it ought to be paid by the provincial government and the merchants of the colony.

1122. Do you consider it more commercial than political?—In time of war these telegraphs were established at considerable expense, but they are used now more for commercial purposes.

1123. Were those telegraphs originally established for military purposes, or for civil purposes?—I believe for military purposes.

1124. You think now they are no longer useful?—I think they are useful, but I think the province derives all the advantage of them; for instance, the merchant vessels at a distance are announced by them.

1125. In your opinion the merchants should be called on to pay for their expense during peace?—I think they ought to contribute a part of the expense.

1126. These telegraphs are made use of in announcing the arrival of merchant ships?—Yes, merchant ships and troops' ships of war.

1127. And men-of-war?—Yes, once in a twelvemonth perhaps.

1128. Do you know what the whole expense of the telegraph department is?—I believe about 357 *l.* a year.

1129. Do you know anything of the money that is allowed as command money to officers in command as allowance, in Canada?—Yes, I do; at Penetanguishine, at Amherstburg and Fort St. George, there is 7*s.* 2*d.* a day allowed to each of the officers in command.

1130. For what?—As command money.

1131. Do you know the rank of the officers?—Two captains and a lieutenant.

1132. Do you say that is unnecessary?—This was an allowance granted during the war, they being frontier stations His Majesty's warrant was issued for this sum; but there is no command money issued at York, Kingston or Montreal, which are much more important stations; at Kingston there is an entire regiment and a staff.

1133. What is there at Montreal?—Five companies of a regiment and a staff.

1134. Do you know whether there are lieutenant-colonels at those two stations, Montreal and Kingston?—There is a full colonel at Kingston and Montreal.

1135. Do they receive as commanding officers of that regiment any allowance beyond their military pay?—I know of nothing: at Fort George there is a captain and 40 men. I have asked the reason of this allowance, and I have understood it was a kind of table money; that when Upper Canada was first settled there were no inns, and the commanding officer was obliged to entertain persons; it was rather a tax on a man's income, and therefore this allowance was granted; however the country now is as thickly settled as many parts of England.

1136. With respect to the allowance to the clerk at Penetanguishine, do you object to that?—I do not know why the commanding officer should require a clerk; it strikes me as unnecessary.

1137. What have you to say with reference to the chaplains' department?—It is very much reduced; but I do not know anything to prevent the clergymen at the different stations, performing the duties of chaplain.

1138. Have you any observation to make on the appointment of brigade-majors?—There are two brigade-majors in Canada, and there are only two regiments at Quebec, or parts of regiments; and the other regiments are distributed, one at Montreal and one at Kingston, and the other regiment at the upper ports.

1139. Do you think one brigade-major is more than is necessary?—There are, I believe, two brigade-majors in Canada.

1140. Do you think, one brigade-major having ceased, any further reduction could be made by removing the other brigade-major?—I am not sufficiently acquainted

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acquainted with military matters to offer an opinion; but I beg to say, there is a deputy adjutant-general at head-quarters, and an assistant at York.

1141. Have you any observation to make on the engineer departments at all the important stations?—There is a large local engineer department at Quebec, Kingston, Montreal, and other stations; there are a number of individuals borne on the strength of these departments; foremen of artificers, foremen of carpenters and masons, &c. I think if the public works were contracted for, instead of keeping up these permanent establishments, that it would be cheaper; always having officers of the royal engineers to superintend the works as they progress.

1142. Have you any observation to make with regard to the barrack department?—There are barrack-masters at most of the stations in Canada; and as I have before stated, if the public departments were consolidated, I do not see why a commissariat officer (or whichever officer is there, whether a commissariat or ordnance officer,) could not perform the duties of barrack-master as well.

1143. Do you think the duties that are now performed by the barrack-masters, by the officers under the ordnance, and by the local engineer departments, might all be consolidated and performed by one set of persons?—I think you require but one department to perform all those duties: indeed every duty connected with the supplying of an army, or for carrying on public works: one department I consider quite equal to the duties, and I am sure they would be performed much more efficiently than at present.

Veneris, 31° die Julii, 1835.

ROBERT GORDON, ESQUIRE, IN THE CHAIR.

Mr. *William Green*, called in; and Examined.

Mr. Wm. Green.
31 July 1835.

1144. HAVE you been employed as commissary?—Yes.
1145. Have you been in Nova Scotia?—Yes.
1146. Are you lately returned from Nova Scotia?—Yes.
1147. How long since?—About four months.
1148. Have you ever been employed in Canada?—Yes.
1149. As a commissary?—Yes.
1150. The Committee have observed that the expense of the commissariat in Nova Scotia amounts to rather less than 5,000 *l.* a year, whereas the expense of the commissariat in Canada exceeds 15,000 *l.*, and there are nearly the same number of troops employed in each of those colonies; can you give any information to the Committee of the cause of that excess in one colony as compared with the other?—In consequence of the greater number of military posts in Canada where troops are stationed, public works carried on, and payments to be made; a small number of troops requiring nearly as much trouble in provisioning them as a whole regiment; and the merely provisioning the troops being, in garrison, and particularly in time of peace, the least portion of the duty which the commissariat are called upon to perform, but it depending more on the public works, on the movement of troops, and on the various payments; those for half-pay and pensions, particularly to Chelsea out-pensioners, are very considerable in Canada, where they are paid individually by the commissariat: also, the great distance of the posts from head-quarters, and from each other, requiring the superintendence of an officer at most of them, and where there are many works carrying on, or payments to make, the assistance of one or more, the officers being employed frequently as clerks: also, from the greater responsibility of the stations, an officer of the rank of commissary-general being employed there.

1151. Do you not consider many of the posts in Canada might be consolidated?—During the latter part of the time I was there, there were many of the posts that were consolidated. The last charge I had there, I had four posts.

1152. What were those four posts?—Chambly, St. John's, Isle aux Noix and William Henry, where they had some time before commissariat officers to each.

Mr. *Wm. Green.*

31 July 1835.

1153. Do you know whether the posts at York might be consolidated?—No, they are at a considerable distance: it depends upon the number of troops and the works going on.

1154. York is the same as Toronto?—Yes; they are at a considerable distance.

1155. What is the distance between them?—I think by land it must be 120 miles.

1156. What by water?—The distance is less by water; in lieu of getting round the bay, they are able to go across; it is not more than 50 miles by water.

APPENDIX.

LIST OF APPENDIX.

No. 1.—Return of the Numbers and Distribution of the Effective Force, Officers, Non-commissioned Officers, and Rank and File of the British Army, including Colonial Corps, in New South Wales and Van Diemen's Land, in each Year since 1815: including Artillery and Engineers - - - - - - - - - - - - - - - p. 89

No. 2.—Return of all Pay, Allowances, Emoluments and Salaries issued to Officers of the Military, Garrison, Medical and Commissariat Staffs, and of the Ordnance Department, in New South Wales and Van Diemen's Land, for the Twelve Months ended 31 March 1833 - - - - - - - - - - - - - - - - p. 90

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No. 4.—Return of the Numbers and Distribution of the Effective Force, Officers, Non-commissioned Officers, and Rank and File, of the British Army in the several Colonies, according to the latest Returns received, including Colonial Corps, and Artillery and Engineers. p. 96

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APPENDIX.

— No. 1. —

NEW SOUTH WALES, VAN DIEMEN'S LAND, &c.

RETURN of the Numbers and Distribution of the EFFECTIVE FORCE, OFFICERS, NON-COMMISSIONED OFFICERS, and RANK and FILE, of the British Army, including Colonial Corps, in each Year since 1815; including Artillery and Engineers.

—	Officers Present, or on Detached Duty at the Station.											Sergeants.	Drummers.	Rank and File.
	Colonels.	Lieutenant-Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Paymasters.	Adjutants.	Quarter-Masters.	Surgeons.	Assistant-Surgeons.			
25 Jan. 1816	–	1	2	9	13	6	1	1	1	1	1	40	19	572
— 1817	–	1	1	9	18	4	1	1	1	1	2	44	19	684
— 1818	–	1	2	10	14	11	1	1	1	1	2	30	11	908
— 1819	–	1	2	9	19	9	1	1	1	1	2	37	12	768
— 1820	–	1	2	9	17	7	1	1	1	1	2	41	13	722
— 1821	–	1	2	10	21	8	1	1	1	1	1	50	13	1,002
— 1822	–	1	2	9	19	7	1	1	1	1	2	50	16	1,023
— 1823	–	1	2	7	12	6	1	1	1	1	1	46	15	996
— 1824	–	–	4	14	18	12	2	2	2	2	3	67	22	1,063
— 1825	–	1	4	15	17	11	2	1	3		2	60	22	1,200
— 1826	–	2	5	18	28	7	3	1	2	2	3	75	30	1,569
— 1827	–	2	4	21	37	7	3	2	2	2	3	100	29	1,766
— 1828	–	1	4	22	40	13	3	2	3	3	3	128	42	1,974
— 1829	–	2	6	26	42	17	2	3	3	3	5	143	38	2,397
— 1830	–	2	5	26	32	16	2	3	3	2	4	114	33	2,047
1 Jan. 1831	–	3	7	30	40	27	3	3	3	3	6	140	42	2,568
— 1832	–	3	6	31	34	27	3	3	3	3	6	132	35	2,410
— 1833	–	3	4	23	31	22	3	3	3	1	6	114	37	2,107

Adjutant-General's Office,
25 March 1834.

John Macdonald,
Adjutant-General.

— No. 2. —

NEW SOUTH WALES AND VAN DIEMEN'S LAND.

RETURN of all Pay, Allowances, Emoluments and Salaries issued to Officers of the Military, Garrison, Medical and Commissariat Staff, and of the Ordnance Department, for the Twelve Months ended 31 March 1833.

APPOINTMENTS.		PAY, ALLOWANCES, EMOLUMENTS, ADVANTAGES AND SALARIES.								
DESCRIPTION.	By whom Filled.	PAY Voted by Parliament.	PAY Issued.	Other MILITARY PAY.	Source from whence derived.	House; Quarters; or Allowance for Lodging.	Value of Allowances issued by Commissariat.	SALARIES issued from Colonial Fund.	TOTAL, (including the Pay issued.)	REMARKS.
		£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
GARRISON:										
Town Adjutant, Van Diemen's Land	Captain Lane	86 13 9	39 3 9	121 – 11	Full pay, 63d Regt	– –	– – –	– –	160 4 8	Ceased 26 October.
	— Pidder		– 18 9	2 17 11		– –	– – –	– –	3 16 8	– – Appointed 27 Oct. charged for only to 31 October.
	£.	86 13 9	40 2 1	123 18 10	– – – –	– –	– – –	– –	164 1 4	
MILITARY STAFF:										
Governor	Major-gen. R. Bourke	– – –	– – –	292 – –	Unattached pay, as a general officer	house "	– – –	5,000 – –	5,292 – –	
Aide-de-camp	Capt. Westmacott	173 7 6	155 2 6	211 7 11	Full pay, 98th foot	– –	70 4 1¼	– –	436 14 6¼	
Assistant Secretary	Capt. Hunter	173 7 6	155 2 6	211 7 11	Ditto 55th	90 – –	39 – 7½	– –	495 11 –¼	
Major of Brigade	Lieut.-col. Snodgrass	173 7 6	173 7 6	200 15 –	Half pay	90 – –	75 6 11¾	– –	539 9 5¾	
Lieutenant-governor, Van Dieman's Land	Col. Arthur	– – –	– – –	– – –	(Does not receive half pay)	house –	226 1 3	2,500 – –	2,726 1 3	
Lieut.-colonel at Norfolk Island	Lieut.-col. Morisset	– – –	– – –	200 15 –	Half pay	house –	– – –	600 – –	800 15 –	– – This officer's salary is paid out of Parliamentary grant for convict establishment.
TOTAL of Military Staff Pay, &c.	£.	520 2 6	483 12 6	1,116 5 10	– – – –	180 – –	410 12 11¼	8,100 – –	10,290 11 3½	
MEDICAL STAFF:										
Assistant Surgeon	Alexander Imlay	– – –	103 2 6	– – –	– – – –	– –	– – –	– –	103 2 6	
CONTINGENCIES:										
Clerks to the	Assistant Secretary	27 7 6	54 15 –	– – –	– – – –	– –	– – –	– –	54 15 –	Pay increased in consequence of the man having ceased to receive pay, clothing and rations, as a soldier in the Veteran Companies.
	Brigade Major	36 10 –	39 7 –	– – –	Not known whether they are soldiers or civilians	– –	– – –	– –	39 7 –	– – Pay increased in consequence of additional duties to be performed.
			18 5 –	– – –		– –	– – –	– –	18 15 –	
Dispenser of Medicines	– – – –	9 2 6	9 2 6	– – –		– –	– – –	– –	9 2 6	
Barrack-master at Van Diemen's Land	– – – –	182 10 –	182 10 –	– – –	– – – –	70 – –	81 11 2	173 7 6	507 8 8	– – The colonial salary is issued to this officer, as colonial aide-de-camp.
Barrack-master's Serjeant at Van Diemen's Land	– – – –	36 10 –	36 10 –	24 6 8	Pay as corporal	– –	– – –	– –	60 16 8	
TOTAL of Contingencies, &c.	£.	292 – –	340 9 6	24 6 8	– – – –	70 – –	81 11 2	173 7 6	689 14 10	

| | | |

APPOINTMENTS.		PAY, ALLOWANCES, EMOLUMENTS, ADVANTAGES AND SALARIES.								
DESCRIPTION.	By whom Filled.	PAY Voted by Parliament.	PAY Issued.	Other MILITARY PAY.	Source from whence derived.	House; Quarters; or Allowance for Lodging.	Value of Allowances issued by Commissariat.	SALARIES issued from Colonial Fund.	TOTAL (including the Pay issued.)	REMARKS.
COMMISSARIAT—*continued.*										
NEW SOUTH WALES—*continued.*										
WINDSOR:		£. s. d.	£. s. d.			£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Deputy Assistant Commissary-general	A. Birch	173 7 6	173 7 6	- - -	- - - -	65 - -	39 15 10½	- -	278 3 4½	
BATHURST:										
Deputy Assistant Commissary-general	C. Howard	173 7 6	173 7 6	- - -	- - - -	65 - -	39 15 10½	- -	278 3 4½	
NEWCASTLE:										
Deputy Assistant Commissary-general	J. Paty	173 7 6	173 7 6	- - -	- - - -	65 - -	39 15 10½	- -	278 3 4½	
PORT MACQUARRIE:										
Deputy Assistant Commissary-general	R. Achroyd	173 7 6	173 7 6	- - -	- - - -	65 - -	7 17 1½	- -	246 4 7½	
1 Issuer	at 55 *l.* per annum	55 - -	55 - -	- - -	- - - -	- -	- - -	- -	* 55 - -	
MORETON BAY:										
Clerk	John Kent	136 17 6	154 13 6	- - -	- - - -	50 - -	7 1 -½	- -	211 14 6¼	Promoted to the rank of Deputy Assistant Commissary-general from the 5th October 1832.
1 Temporary Clerk	at 110 *l.* per annum	110 - -	110 - -	- - -	- - - -	- -	- - -	- -	*110 - -	
1 Storekeeper	at 2/6 per diem	- - -	23 4 -	- - -	- - - -	- -	- - -	- -	* 23 4 -	Appointed 16th May to the charge at Eagle Farm; pay reduced to 1 *s.* per diem, from 20th August.
NORFOLK ISLAND:										
Clerk	H. E. Vaux	136 17 6	154 13 6	- - -	- - - -	50 - -	7 1 -¼	- -	211 14 6¼	Promoted to the rank of Deputy Assistant Commissary-general, from the 5th October 1832.
1 Issuer	at 55 *l.* per annum	55 - -	68 15 -	- - -	- - - -	- -	- - -	- -	* 68 15 -	Appointed Temporary Clerk at 110 *l.* per annum, from the 1st January 1833.
BONG BONG:										
Clerk	Wm. R. Lamont	136 17 6	154 13 6	- - -	- - - -	50 - -	7 1 -¼	- -	211 14 6¼	Promoted to the rank of Deputy Assistant Commissary-general, on the 5th October 1832.
Total Commissariat Supply Branch at New South Wales	£.	7,890 1 3	7,696 7 6	- - -	- - - -	1,358 6 8	408 6 9¼	- -	9,363 - 11¼	

NEW SOUTH WALES—ACCOUNT BRANCH:											
Assistant Commissary-general	W. Hayward	260 1 3	260 1 3	- - -	- - - -	90 - -	40 11 2½	- -	390 12 5½		
Deputy Assistant Commissary-general	S. Hazard	173 7 6	173 7 6	- - -	- - - -	65 - -	7 1 10¼	- -	245 9 4¼		
	James Wilson	173 7 6	72 13 6	- - -	- - - -	- -	- - -	- -	72 13 6		
3 Temporary Clerks	at 170 *l.* per annum	510 - -	510 - -	- - -	- - - -	- -	- - -	- -	*510 - -		
1 Ditto	at 110 *l.*	110 - -	110 - -	- - -	- - - -	- -	- - -	- -	*110 - -		
1 Messenger	at 8 *d.* per diem	- - -	22 7 11	- - -	- - - -	- -	- - -	- -	* 22 7 11		- - Pay increased to 1 *s.* per diem from 1st July, and to 1 *s.* 9 *d.* from 1st Nov. 1832.
TOTAL Account Branch	£.	1,226 16 3	1,148 10 2	- - -	- - - -	155 - -	47 13 -¾	- -	1,351 3 2¾		
VAN DIEMEN'S LAND:											
HOBART TOWN:											
Assistant Commissary-general	A. Moodie	351 6 3	351 6 3	- - -	- - - -	90 - -	158 10 11	- -	599 17 2		
Deputy Assistant Commissary-general	S. Carr	173 7 6	173 7 6	- - -	- - - -	65 - -	81 11 2	- -	319 18 8		
	W. Fletcher	173 7 6	173 7 6	- - -	- - - -	65 - -	24 7 2	- -	262 14 8		
1 Temporary Clerk	at 7/6 per day	136 17 6	136 17 6	- - -	- - - -	Quarters	24 7 2	- -	* 161 4 8		
4 Ditto	at 7/6 — each	547 10 -	547 10 -	- - -	- - - -	- -	- - -	- -	* 547 10 -		
2 Overseers	at 3/	109 10 -	109 10 -	- - -	- - - -	- -	- - -	- -	* 109 10 -		
3 Assigned Clerks	at 1/	54 15 -	54 15 -	- - -	- - - -	- -	- - -	- -	* 54 15 -		
1 Messenger	at 1/	18 5 -	18 5 -	- - -	- - - -	- -	- - -	- -	* 18 5 -		
LAUNCESTON:											
Deputy Assistant Commissary-general	Peter Roberts	173 7 6	130 3 -	- - -	- - - -	49 10 -	61 3 4	- -	240 16 4		
	J. S. Browne	173 7 6	173 7 6	- - -	- - - -	65 - -	38 13 2	- -	277 - 8		On leave from 1st Sept. 1832.
4 Temporary Clerks	2 at 7/6 p' diem each	273 15 -	273 15 -	- - -	- - - -	80 - -	48 14 4	- -	* 402 9 4		
	1 at 5/	91 5 -	91 5 -	- - -	- - - -	- -	- - -	- -	* 91 5 -		
	1 at 1/	18 5 -	18 5 -	- - -	- - - -	- -	- - -	- -	* 18 5 -		
MACQUARRIE HARBOUR:											
Deputy Assistant Commissary-general	J. Woolrabe	173 7 6	173 7 6	- - -	- - - -	Quarters	7 8 8	- -	180 16 2		
3 Temporary Clerks	1 at 7/6 per diem	136 17 6	136 17 6	- - -	- - - -	- -	- - -	- -	* 136 17 6		Ceased in Jan. 1833.
	1 at 2/6 —	45 12 6	34 7 6	- - -	- - - -	- -	- - -	- -	* 34 7 6		
	1 at 1/6 —	27 7 6	27 7 6	- - -	- - - -	- -	- - -	- -	* 27 7 6		
PORT ARTHUR:											
1 Temporary Clerk	at 7/6 —	136 17 6	136 17 6	- - -	- - - -	Quarters	7 8 8	- -	* 144 6 2		

The several charges marked thus * are defrayed out of Army Extras; the Accounts of which are submitted to Parliament.

(*continued*)

APPOINTMENTS. DESCRIPTION.	By whom Filled.	PAY, ALLOWANCES, EMOLUMENTS, ADVANTAGES AND SALARIES. PAY Voted by Parliament.	PAY Issued.	Other MILITARY PAY.	Source from whence derived.	House; Quarters; or Allowance for Lodging.	Value of Allowances issued by Commissariat.	SALARIES issued from Colonial Fund.	TOTAL (including the Pay issued.)	REMARKS.
VAN DIEMEN'S LAND—*continued.*										
OTHER OUTPORTS:		£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
7 Temporary Clerks -	at 7/6 per diem each	958 2 6	924 7 6	- - -	- - - -	- -	- - -	- -	* 924 7 6	One discharged in January 1833.
2 Ditto - - -	at 5/ — - -	182 10 –	182 10 –	- - -	- - - -	- -	- - -	- -	* 182 10 –	
1 Ditto - - -	at 5/ — - -	91 5 –	39 5 –	- - -	- - - -	- -	- - -	- -	* 39 5 –	Ceased 4 Sept. 1832.
1 Ditto - - -	at 3/ — - -	54 15 –	46 9 –	- - -	- - - -	- -	- - -	- -	* 46 9 –	Pay reduced to 2/ from 1 Nov.
3 Ditto - - -	at 1/ — - -	54 15 –	41 5 –	- - -	- - - -	- -	- - -	- -	* 41 5 –	Ceased in Jan. 1833.
Total Commissariat—Supply Branch - £.		4,155 18 9	3,994 8 3	- - -	- - - -	414 10 –	452 4 7	- -	4,861 2 10	
VAN DIEMEN'S LAND—ACCOUNT BRANCH:										
Deputy Assistant Commissary-general -	G. T. Maddox -	173 7 6	72 13 6	- - -	- - - -	21 13 6	8 2 –	- -	102 9 –	Deceased.
	H. C. Darling -	173 7 6	173 7 6	- - -	- - - -	55 – –	24 7 2	- -	262 14 8	
3 Temporary Clerks -	at 7/6 per diem each	273 15 –	317 5 –	- - -	- - - -	- -	- - -	- -	317 5 –	One of these clerks was appointed on the 6th Dec.; but he is to be discharged.
3 Ditto - - -	at 4/ — - -	73 – –	151 4 –	- - -	- - - -	- -	- - -	- -	151 4 –	- - One of these clerks was appointed from the 18th April, but is to be discharged; one was paid from the 20th August to the 1st October only.
2 Ditto - - -	at 1/ — - -	36 10 –	36 10 –	- - -	- - - -	- -	- - -	- -	36 10 –	
1 Messenger - -	at 10 *l.* per annum -	10 – –	10 – –	- - -	- - - -	- -	- - -	- -	10 – –	
Total Account Branch - - - £.		740 – –	761 – –	- - -	- - - -	86 13 6	32 9 2	- -	880 2 8	

The several Charges marked thus * are defrayed out of Army Extras; the Accounts of which are submitted to Parliament.

Abstract of Totals:

		£. s. d.
Garrison Pay, &c. - - - - - - -		164 1 4
Military Staff Pay, &c. - - - - - - -		10,290 11 3¼
Medical Staff Pay, &c. - - - - - - -		103 2 6
Contingencies - - - - - - - - -		689 14 10
Commissariat—New South Wales	Supply Branch -	9,363 – 11¼ [a]
	Account Branch -	1,351 3 2¾
Commissariat—Van Diemen's Land	Supply Branch -	4,861 2 10
	Account Branch -	880 2 8
TOTAL - - -		27,702 19 7½

[a] Including the Barrack and Engineer Branches.

— No. 3. —

DISTRIBUTION of the TROOPS serving in *New South Wales* and *Van Diemen's Land*, on the 1st May 1834.

Sydney	4th Foot	505	Rank and File.
	17th ditto	5	—
Longbottom	17th ditto	1	—
Paramatta	17th ditto	215	—
Liverpool	17th ditto	4	—
	50th ditto	14	—
George's River	50th ditto	20	—
Bong-bong	17th ditto	12	—
Windsor	17th ditto	22	—
Maitland	17th ditto	19	—
Newcastle	17th ditto	38	—
Port Stephens	17th ditto	12	—
Emu Plains	17th ditto	60	—
Spring Wood	17th ditto	1	—
Weather Board	17th ditto	1	—
Cox's River	17th ditto	79	—
Bathurst	4th ditto		
	17th ditto	44	—
Port Macquarrie	17th ditto	33	—
Moreton Bay	17th ditto	80	—
Norfolk Island	4th ditto	131	—
	50th ditto	2	—
In charge of Civil Power	4th ditto	13	—
	17th ditto	2	—
	21st ditto	2	—
In solitary confinement	4th ditto	3	—
	21st ditto	3	—
	50th ditto	3	—
Servants to Officers	4th ditto	3	—
	17th ditto	1	—
	21st ditto	2	—
Mounted Police	4th ditto	53	—
	17th ditto	48	—
	50th ditto	5	—
Van Diemen's Land and Swan River	4th ditto	1	—
	17th ditto	1	—
	21st ditto	676	—
	50th ditto	7	—
Corps in India		12	—
		2,133	Rank and File.

But as the whole of the 50th must have joined since date of Return, the entire Force, including N. C. Officers, is now 2,864.

Colonial Office,
19 March 1835.

— No. 4. —

RETURN of the Numbers and Distribution of the EFFECTIVE FORCE, OFFICERS, NON-COMMISSIONED OFFICERS, and RANK and FILE, of the British Army in the several Colonies, according to the latest Returns received, including Colonial Corps, and Artillery and Engineers.

STATIONS.	Officers Present, or on Detached Duty at the Station.											Serjeants.	Drummers.	Rank and File.
	Colonels.	Lieutenant-Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Paymasters.	Adjutants.	Quarter-Masters.	Surgeons.	Assistant-Surgeons.			
Gibraltar	1	7	3	36	48	20	5	5	4	4	8	168	55	2,804
Malta	–	5	2	26	39	13	5	5	5	5	6	158	52	2,479
Ionian Islands	1	5	5	27	40	24	4	5	6	5	5	188	65	3,047
West Coast of Africa	–	–	–	4	5	4	–	–	–	1	1	23	9	493
Cape of Good Hope	–	5	4	20	31	13	2	4	4	4	3	110	38	1,757
Mauritius	–	6	4	23	30	16	3	3	3	4	5	127	42	2,030
Ceylon	–	7	5	37	65	23	3	4	4	5	6	274	78	3,886
New South Wales, &c.	–	3	6	23	32	21	2	3	3	3	5	116	37	2,133
Nova Scotia, &c.	1	4	2	23	38	10	4	3	4	2	4	132	43	2,036
Newfoundland	–	1	–	3	7	3	–	–	–	–	1	16	8	276
Canada	1	7	5	33	41	19	4	5	5	4	7	159	50	2,408
Bermuda	–	2	1	9	12	3	–	1	1	–	2	36	14	613
Jamaica	–	5	5	35	52	16	5	6	6	4	6	177	60	2,837
Honduras	–	–	1	1	4	3	–	–	–	–	1	20	5	338
Bahamas	–	1	–	3	6	4	1	–	1	1	–	24	12	450
Windward and Leeward Colonies	–	6	12	58	65	33	9	11	10	10	11	340	103	5,530
TOTAL	4	64	55	361	515	225	47	55	56	52	71	2068	671	33,117

Adjutant General's Office,
20 March 1835.

John Macdonald,
Adjutant-General.

— No. 5. —

DISTRIBUTION of the TROOPS serving in *Nova Scotia* and its Dependencies, according to the latest Returns.

STATIONS.	REGIMENTS.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	TOTAL Rank and File.	
Halifax, &c.	Royal Artillery	1	1	6	–	3	3	132	1,366	
	Royal Engineers, &c.	1	2	2	–	3	2	83		
	83d Foot	2	3	7	4	21	10	305		
	96th Foot	1	4	10	5	29	8	439		
	Rifle Brigade, 1st bt^n	1	5	6	4	30	9	407		
Annapolis	Royal Artillery	–	–	–	–	1	–	3	56	
	83d Foot	–	1	1	–	3	–	53		
Fort Cumberland	Royal Artillery	–	–	–	–	1	–	3	3	
Fredericktown	Royal Artillery	–	–	–	–	1	–	5	275	
	34th Foot	1	2	6	3	19	9	270		
St. John, New Brunswick	Royal Artillery	–	1	1	–	1	1	34	200	
	Royal Engineers	–	1	–	–	–	–	–		
	34th Foot	–	1	5	–	11	1	166		
St. Andrew's, Ditto	Royal Artillery	–	–	–	–	–	–	2	23	
	34th Foot	–	–	1	–	1	–	21		
Cape Breton	Royal Artillery	–	–	–	–	–	–	3	49	
	83d Foot	–	1	1	1	3	–	46		
Prince Edward's Island	Royal Artillery	–	–	–	–	1	–	4	64	
	83d Foot	–	1	2	–	4	–	60		
	TOTAL	7	23	48	17	132	43	2,036		2,312
Newfoundland	Royal Artillery	–	1	1	–	3	2	53	276	
	Royal Engineers	1	–	1	–	–	–	–		
	Newfoundland Veterans	–	2	8	1	13	6	223		

Adjutant-General's Office,
20 March 1835.

John Macdonald,
Adjutant-General.

— No. 6. —

DISTRIBUTION of the TROOPS at *Bermuda* on the 1st January 1835, the Date of the latest Return received.

STATIONS.	CORPS.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.
St. George's	Royal Artillery	1	1	2	1	2	2	60
	Royal Sappers and Miners	–	2	2	–	1	1	37
	30th Foot	2	4	9	3	25	10	350
Ireland Island	Royal Sappers and Miners	–	1	1	–	2	1	44
	30th Foot	–	1	1	–	4	–	98
Ferry	30th Foot	–	–	–	–	–	–	4
Gibbs Hill	30th Foot	–	–	–	–	1	–	3
Mount Langton	30th Foot	–	–	–	–	1	–	10
Fort Cunningham	Royal Artillery	–	–	–	–	–	–	1
Hen Island	Royal Artillery	–	–	–	–	–	–	1
Fort George	Royal Artillery	–	–	–	–	–	–	1
	30th Foot	–	–	–	–	–	–	4
	TOTAL	3	9	15	4	36	14	613

Adjutant-General's Office,
30 March 1835.

John Macdonald,
Adjutant-General.

— No. 7. —

DISTRIBUTION of the TROOPS at *Newfoundland* on the 1st February 1835, the Date of the latest Return received.

STATIONS.	CORPS.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.
St. John's	Royal Artillery	–	1	1	–	3	2	53
	Royal Engineers	1	–	1	–	–	–	—
	Royal Newfoundland Veteran Companies	–	2	8	1	13	6	223
	TOTAL	1	3	10	1	16	8	276

Adjutant-General's Office,
30 March 1835.

John Macdonald,
Adjutant-General.

— No. 8. —

DISTRIBUTION of the TROOPS serving in *Canada* on the 1st January 1835, the Date of the latest Return received.

STATIONS.	CORPS.	Field Officers.	Captains.	Subalterns.	Staff.	Sergeants.	Drummers.	Rank and File.
Quebec	Royal Artillery	1	4	4	1	3	1	131
	Royal Engineers	1	1	3	–	–	–	1
	15th Foot	–	–	–	–	–	–	5
	24th Foot	–	–	–	–	3	–	9
	32d Foot	1	2	7	3	27	10	411
	66th Foot	–	–	–	–	–	–	2
	79th Foot	2	3	8	4	29	8	423
Grosse Island	32d Foot	–	–	–	–	1	–	2
Montreal	Royal Engineers	–	1	–	–	–	–	—
	24th Foot	2	4	9	4	20	9	353
	79th Foot	–	–	–	–	1	–	—
St. Helen's	Royal Artillery	–	1	2	1	3	1	69
Isle Aux Noix	24th Foot	–	1	1	1	3	–	50
Sorel	24th Foot	–	–	–	–	–	–	5
Coteau du Lac	24th Foot	–	–	–	–	1	–	4
Lachine	24th Foot	–	–	–	–	–	–	2
St. Philip's	24th Foot	–	–	–	–	1	–	1
Rideau Canal	Royal Engineers	–	1	2	–	–	–	—
	24th Foot	–	–	–	–	1	–	—
	66th Foot	–	–	1	–	1	–	23
Kingston	Royal Artillery	1	3	4	1	4	2	90
	Royal Engineers	1	1	1	–	–	–	—
	15th Foot	–	–	–	–	–	–	5
	66th Foot	2	5	8	5	30	10	397
Fort Henry	Royal Artillery	–	–	–	–	1	–	9
Toronto	Royal Artillery	–	–	–	–	–	–	8
	Royal Engineers	–	1	–	–	–	–	—
	15th Foot	2	3	6	4	21	7	264
	66th Foot	–	–	–	–	–	–	3
	79th Foot	–	–	–	–	–	–	2
Fort George	Royal Artillery	–	–	–	–	–	–	3
	15th Foot	–	1	1	–	3	1	46
	66th Foot	–	–	–	–	1	–	—
Grenville Canal	Royal Engineers	–	–	1	–	–	–	—
Cataroque	66th Foot	–	–	–	–	–	–	1
Amherstburgh	15th Foot	–	1	2	1	3	1	49
Penetangushene	15th Foot	–	–	1	–	2	–	40
	TOTAL	13	33	61	25	159	50	2,408

Adjutant-General's Office,
30 March 1835.

John Macdonald,
Adjutant-General.

— No. 9. —

ESTIMATE of what might be the probable EXPENSE of the COMMISSARIAT, cleared from any Convict Arrangements, and the Balance between that Estimate and the present Expense.

Estimate of Commissariat Department.

IN order to frame an estimate so as to show to the Committee, in reference to questions 243 and 244, the increased expense that is incurred for the commissariat establishment in New South Wales, in consequence of the arrangements required for the providing of provisions and clothing, &c. for the convicts, it would be necessary to ascertain the number of detached stations that are maintained in consequence of the presence of convicts.

The accompanying "distribution" of the troops serving in New South Wales (which has been obtained from the adjutant-general's office), shows that besides the force in Sydney, there are detachments of the military at 17 different stations, some of these at very considerable distances from Sydney, and from each other, and it may be presumed that at many of these stations, soldiers would not be employed if there were not any convicts upon the spot.

Bathurst, 126 miles.
Maitland, 127.
Newcastle, 132.
Port Macquarie, 200 miles.
Moreton Bay, 400.
Norfolk Island, 1,000 miles.

It appears from this paper that the military force on the 1st May 1834, amounted to 1,593, including the commissioned officers.

If this force were concentrated within a short distance from head-quarters, the charge for a commissariat establishment would be comparatively small, but being dispersed in detachments, at various places at considerable distances from each other, the labour of providing, of supplying, and of accounting for the commissariat services of each necessarily requires a larger establishment for the performance of such increased duties.

For instance, in Gibraltar, where there were 3,188 military to be supplied, the number of officers and clerks employed in the commissariat is six, with eight subordinate persons (independently of the baking and transport establishments), at an expense of 2,170*l.* per annum; whilst in Nova Scotia (including New Brunswick), where there were only 2,151 military, and where there are several sub-stations, the number of officers and clerks is 11, with 22 subordinates, at a charge of about 3,990*l.* per annum.

It may be fair to assume that if the out-stations in New South Wales were not more numerous than the out-stations in Nova Scotia, and that the duties of the commissariat were unconnected with the convict service, the charge for the commissariat would not be greater than the charge for Nova Scotia; in which case the difference would be about 4,710*l.* less per annum; or, if the military force in New South Wales, taking it at 1,593, were concentrated within a moderate distance, as is the case with the troops at Gibraltar, the charge for the commissariat establishment would be still less, the reduction would then be about 6,000*l.*

This is calculating upon the establishment as it existed in New South Wales in the year 1833, as exhibited in the return submitted to the Committee. Since that period considerable reductions have been effected in the commissariat establishment, to the extent of about 2,000*l.* per annum.

T. Archer.

DISTRIBUTION of the TROOPS serving in *New South Wales* on 1st May 1834, the date of the latest Return.

Adjutant-general's Office, 1 April 1835.

STATIONS.	REGIMENTS.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Distance from Sydney.
									Miles.
Sydney - - -	4th Foot -	2	5	11	4	30	12	524	
	17th — -	-	-	-	-	-	-	5	
Long Bottom - - -	17th — -	-	-	-	-	-	-	1	9
Paramatta - - -	17th — -	2	2	4	4	21	11	218	15
Liverpool - -	17th — -	-	-		-	-	-	4	20
	50th — -	-	-	-	-	1	-	14	

Estimate of Commissariat Department.

STATIONS.	REGIMENTS.	Field Officers.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Distance from Sydney.
George's River	50th Foot	-	-	-	-	1	-	20	
Bong Bong	17th —	-	-	1	-	1	-	12	81
Windsor	17th —	-	-	1	-	1	-	22	35
Maitland	17th —	-	2	-	-	1	-	19	127
Newcastle	17th —	-	-	1	-	1	-	38	132
Port Stephen's	17th —	-	1	-	-	1	-	12	
Emu Plains	17th —	-	-	1	-	2	-	60	38
Spring Wood	17th —	-	-	-	-	-	-	1	
Weatherboard	17th —	-	-	-	-	-	-	1	63
Cox's River	17th —	-	1	1	1	3	-	79	86
Bathurst	4th —	-	-	-	-	1	-	- -	126
	17th —	1	-	1	-	2	-	44	
Port Macquarie	17th —	-	1	-	-	2	-	33	200
Moreton Bay	17th —	-	1	2	-	4	-	80	400
Norfolk Island	4th —	-	1	2	1	5	1	131	1,000
	50th —	1	-	1	-	-	-	2	
Mounted Police	4th —	-	1	-	-	1	-	53	
	17th —	-	-	2	-	-	-	48	
	50th —	-	-	-	-	-	-	5	
On leave in the Colony	4th —	-	-	3	—	—	—	—	
	17th —	-	-	1	—	—	—	—	
	TOTAL	6	16	33	10	78	24	1,426	

Mem.—The 50th Regiment is on passage from England to New South Wales as an additional regiment.

— No. 10. —

Treasury Letter respecting Commissariat Arrangements.

TREASURY LETTER addressed to the Officer commanding in New South Wales, respecting Arrangements for conducting the Duties of the Commissariat Department, and Transfer of Government Funds from the Military Chest to Banks at Sydney.

Sir, Treasury Chambers, 3 December 1832.

I AM commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you that my Lords have had under their consideration your predecessor's letters of the 8th and 10th June, and 23d July 1831, relative to the commissariat establishment in the colony of New South Wales, and enclosing the copy of a general order which he issued on the 30th June 1831, fixing the future establishment at 51 persons, including issuers and storekeepers, and prescribing the manner in which the various duties of the department were to be performed.

My Lords approve generally of the arrangements which have been made, and are inclined to think, considering all the circumstances connected with the department at the time the general order above mentioned was issued, that it would not then have been expedient to have reduced the establishment below the number fixed by that order. My Lords are at the same time of opinion that several material changes may be made in the present system of conducting the business of the commissariat at New South Wales, which by simplifying the accounts and abridging labour, cannot fail to afford the means of conducting the duties with a much fewer number of persons. Their Lordships more particularly allude to the discontinuance of the general depôt of stores in the custody of the commissariat, and of the military chests, and to a less minute examination of the accounts of the several sub-accountants in the office of the deputy commissary-general at Sydney.

Upon the first of these points, my Lords feel satisfied from the information they have obtained from officers of the department, who have been recently serving in the colony, that there is no longer any necessity for keeping a large stock of articles in store for the use of the military and colonial departments, but that the mercantile resources of the colony are now fully adequate to meet all the necessary demands of the public service. Their Lordships are therefore decidedly of opinion, that as soon as the requisite arrangements can be made for the purpose, the whole of this branch of business should be brought to a close; and that all the stores and other articles of every description, for which it has hitherto been the practice to forward requisitions to this Board, should henceforth be purchased in the colony by contract, through the medium of public advertisements and tenders; and when it is considered how many persons are now employed in the custody and issue of stores, and in the making up and examination of the minute and complicated accounts connected with them; all of whose services may henceforth be dispensed with, when the stores shall be given up; there cannot be a doubt but that a very important saving will ultimately result from this proposed change of system.

With

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Treasury Letter respecting Commissariat Arrangements.

With respect to the discontinuance of the military chests, my Lords are not only of opinion (as they have already stated in former communications), that the chests established at the out-stations, including that at Paramatta, are unnecessary, but they also think that a very beneficial change may be made in the present system of carrying on the pecuniary concerns of the commissariat at Sydney, by transferring the funds now kept in the military chests to the two banks established there, and by employing these banks in the receipt and payment of commissariat monies. The statement given in Lieutenant-general Darling's letter of the 26th July 1831, addressed to Lord Goderich, and which his Lordship has communicated to this Board, of the constitution and resources of these banking establishments, appears to my Lords to be sufficiently satisfactory to warrant them in considering that the balances of public money would be quite secure in their custody, and the proposed change would not only be productive of a considerable reduction in the number of persons now engaged exclusively in the duties of the military chest, but would diminish the risk of loss to which the deposit of large sums in charge of individuals is always liable, and would operate as a useful check upon the commissariat accounts by a comparison of the bank accounts with those of the public accountant.

My Lords are therefore pleased to desire you will proceed to carry the measures proposed into effect as quickly as possible, by entering into the necessary communications with the managing directors of the said banks upon the subject, and by directing the deputy commissary-general, as soon as the preliminary arrangements shall have been settled, to pay into the banks to an account to be opened in his name, all the monies remaining in his chests, depositing with each bank a moiety or such other proportion of money as may be judged to be most expedient, and taking care afterwards so to regulate the deposits that the proper proportions be kept up in each bank, and that the average amount of the whole does not exceed what is required for about one month's expenditure.

When the transfer of these funds to the banks shall have taken place, my Lords are of opinion that all commissariat payments at Sydney should be made by cheques upon the banks to the order of the respective claimants, with the exception of those only which are usually or most conveniently made upon pay lists, such as pay and allowances of the staff and departments, the pay of artificers, labourers, &c.; in which cases the cheques should be drawn in favour of the officer of the commissariat department who may be specially deputed, under the responsibility of the chief officer in charge, to distribute among the parties named in the pay lists the respective sums due, care being had that such distribution be made the same day in which the money is withdrawn for that purpose from the bank. The cheques should be signed by the officer at the head of the department, and invariably countersigned by the officer next in rank in attendance at the commissariat office; those in each of the banks should be numbered in separate series, the series to be renewed on the first day of the year. An abstract of the account with each bank, describing the several balances, receipts and payments, signed by the cashier, should be furnished to the commissary at the conclusion of each month, and be attached to the accounts of the latter, with the view of enabling the commissioners of audit to compare the same with the receipts and payments as they are entered in those accounts. In all cases where it may be practicable, the sub-accountants at the out-stations should be directed to make their payments by drafts on the chief officer at Sydney, who will discharge such drafts by cheques upon the banks; and they are only to be supplied with such small sums of money, withdrawn for the purpose from the bank, as may be necessary for payments which cannot be conveniently made except in cash.

When the commissary has to receive money, he will furnish the party making the payment with an order to one of the banks to receive the same, and afterwards give the usual receipt for the amount in exchange for the bank's acknowledgment of the deposit; and which acknowledgment he will add to the voucher in his accounts. The same rule be observed in the exchange of bills on the Treasury; the bill, however, being in this case delivered to the purchaser in lieu of the commissary's receipt. The purchasers of the bills will of course be at liberty to make the payment into the bank either in specie or paper-money, conformably with the ordinary practice of the banks and the general commercial business of the colony; and it may be expected that this facility will eventually lead to some improvement in the terms in which Treasury bills have hitherto been negotiated. Until, however, there shall appear to be a permanent prospect of an increase in the demand for bills, so as to be likely to produce an accumulation of army funds beyond the amounts which it may be proper to deposit in the banks, my Lords approve of the commissary continuing to act upon the present system of granting bills at the fixed premium of one and a half per cent.; but in the event of such prospect presenting itself, he must endeavour to procure a higher rate of premium by recurring to the ordinary commissariat mode of raising the necessary supplies of money, by advertising for tenders, and accepting only such sums as he may require, and may be offered on the most advantageous terms. Upon the last remaining point above adverted to, viz. the examination of the sub-accounts in the office of the deputy commissary-general, my Lords entirely concur with the Board of Inquiry in considering the extent and minuteness to which that examination has been carried by Mr. Laidley to be quite superfluous.

It may be proper that the accounts of so extended and distant a station should undergo some revision in his office, previously to their being delivered to the commissary of accounts, by whom they are dispatched for final audit at home; but it must be obvious that the detailed examination which Mr. Laidley has given to them, would render their subsequent examination in the office of the commissary of accounts quite unnecessary.

My Lords are also of opinion, that Mr. Laidley has acted under a misapprehension respecting

Treasury Letter respecting Commissariat Arrangements.

specting the degree of responsibility to which he is liable as regards these sub-accounts. It was not their Lordships' object in requiring the principal accountant, at each foreign station, to attest his accounts, that he should be held responsible for the perfect accuracy of every minute detail in the accounts, but only for his belief in their general truth and correctness, after a due exercise of that superintendence and control over the conduct of the officers under him, and the officers of his department, which the duty of every chief officer in the commissariat requires from him; and it is in this sense, as my Lords believe, that all other officers in charge at foreign stations have attested their accounts.

While, therefore, my Lords appreciate Mr. Laidley's scruples upon this point, they entertain no doubt that when the limited object and extent of the attestation shall have been explained to him, he will no longer feel any difficulty in conforming to it, without going through the minute process of previous examination, and that a very considerable reduction may thereupon take place in that branch of his office which is now exclusively engaged in the above duty.

My Lords observe that nine persons were thus employed at the date of the report of the Board of Inquiry; and the Board expressed their opinion, that under certain alterations suggested by them, that number might be reduced to four. As, however, the additional measures which my Lords have now in view for the abolition of the depôt of stores and of the military chests, will greatly abridge and simplify the cash and store accounts, and diminish labour, my Lords are of opinion, that the reduction of numbers in the examining branch of Mr. Laidley's office may be carried further than was suggested by the Board of Inquiry, and that for the future two efficient persons will be quite sufficient for that duty. At the same time, their Lordships agree in opinion with the Board of Inquiry that the present system of examination in Mr. Laidley's office cannot safely be dispensed with except the department of accounts be in such a state of efficiency as to enable it promptly to proceed in the examination of the accounts as soon as they are delivered in, and effectually to prevent any of its duties from running into arrear; and their Lordships are bound to admit that the report of the Board of Inquiry, confirmed by the information they have received from persons practically conversant with the details of the department, and their own experience of the arrears which have been accumulating since its present establishment was fixed in 1830, have satisfied their minds, that with its present limited number of six officers, it is not adequate to effect all its important objects. My Lords are therefore pleased to give their sanction to the appointment of two additional officers or clerks to the account department; and they concur with the Board of Inquiry in their suggestion that it should not be encumbered with the examination of the weighty arrears of provision and store accounts which have accumulated, but that its undivided attention should be directed at once to the examination, speedy settlement and transmission of the current accounts.

With respect to those arrear accounts, embracing the provision and store transactions of the period, commencing 25th December 1828, and ending 24th December 1830, although it does not appear to my Lords, considering the forms in which they are represented to have been made up, their great bulk, and the multiplicity of their details, that any advantage, adequate to the expense and labour of the operation, could be expected from a strict and regular examination of such a mass of accounts, they are still of opinion that they should undergo such an examination upon the spot as would be sufficient to ascertain their general accuracy, and secure the public against improper charges or misapplication of the public property.

My Lords are of opinion, that this object will best be attained by the appointment of a certain number of persons provisionally, who should be formed into a separate branch, under the superintendence and directions of the officer in charge of the account department, and whose services should be exclusively devoted to such inspection of those accounts. My Lords feel it impossible, with the imperfect information before them, to determine what number of persons, or what length of time will be required for this duty, and they must therefore leave these points to be settled by you after due inquiry into the matter; but I am commanded to impress upon you the importance of selecting the most competent persons for this business, in order that it may be dispatched as quickly as possible, and at the same time of taking care that no one be employed therein who may have been personally concerned in any of the transactions to which the accounts relate. I am also to suggest, that the mode of remuneration to be adopted should bear a reference to the work to be done, rather than to the time which may be consumed in performing it.

Having thus stated their views in respect to the several branches of business in the commissariat at New South Wales, and the improvements which they think may be made therein, my Lords have only to express their hope that you will direct your early and serious attention to the subject, and use your best endeavours to carry all the proposed arrangements into execution with the least possible delay, reporting your proceedings from time to time for the information of this Board.

I am, &c.

(signed) *T. Spring Rice.*

ABSTRACT of Requisitions for Tools, Material, Clothing, and Stores of different Descriptions required for the Use of the under-mentioned Public Departments, connected with the Maintenance of Convicts, for One Year, from the 25th December 1831 to the 24th December 1832, inclusively.

DESCRIPTION OF ARTICLES.	Superintendt of Carters' Barracks	Principal Superintend. of Convicts.	Master Attendant.	Principal Superintend. of Police.	Surveyr of Rds & Bridges.	High Sheriff.	Female Factory.	Superintendt of Grose Farm.	Superintendt of Emu Plains.	Superintendt at Campbeltown.	Superintendt at Bathurst.	Superintendt of Wellington Valley.	Commandant at Illawarra.	Commandt at Pt Macquarie.	Commandt at Moreton Bay.	Commandt at King George's Sound.	Commandt at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Agricultural and Garden Tools and Stores:																									
Axes, felling	-	-	-	-	-	-	12	3	-	-	-	4	-	-	-	-	24	43	2,011	-	27	2,038			
— morticing	-	-	-	-	-	-	24	-	-	-	-	2	-	-	-	-	-	26	-	-	-	-	26		
Bushel measures	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	2	-	-	2			
Hoes, broad	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	50	74	133	-	1,000	1,133			
— Dutch	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	202	-	6	208			
— grubbing	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6	102	-	319	421			
Knives, budding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	2			
— pruning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	12	12			
Lines	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6							
Maul's wood	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	24		
Ploughs	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	4	-	-	-	-	4		
Plough chains	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	4	-	-	-	-	4		
Rakes	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	-	-	6	8	-	-	8			
Reels, line	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2	
Riddles, wheat	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6	60	-	4	6	-		
Sacks, corn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	50	150	160	-	310			
Scythes	-	-	-	-	-	-	12	-	-	-	-	6	-	-	-	-	-	18	76	-	-	76			
Seed, cabbage, Dutch	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
— Imperial	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
— early York	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
Seed, onion, Deptford	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
— Portugal	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
— Reading	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
— Spanish	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
Strasburgh	-	-	-	-	-	-	½	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
Shears, garden	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	-	-	6	2	2	6	10	-		
Shovels	-	-	-	-	-	-	-	6	-	-	24	-	-	50	-	-	62	142	-	288	-	288	-	500	Those expected have arrived, and were all issued, the demand being increased on account of the increase of road parties. It is recommended that half the number sent should be of round-mouthed shovels. 24 July 1830.
Sickles	-	-	-	-	-	-	-	-	-	-	-	24	-	50	-	-	-	74	-	150	-	150			
Sieves, caving	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	4	120	-	-	120			
— flour	-	-	-	-	-	-	-	-	-	-	6	6	-	3	-	-	-	15	142	-	-	142			
— ryeing	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	12	120	6	-	126			
Spades	-	-	-	-	-	-	2	-	6	-	24	-	-	50	200	-	74	368	12	-	450	462	-	300	
Watering pots	-	-	-	-	-	-	-	-	1	-	-	2	-	-	-	-	-	3	1	-	-	1			
Wheelbarrows	-	-	-	-	-	-	1	12	-	-	-	-	-	-	-	-	-	17	-	-	-	-	17		
Barrack Furniture and Stores:																									
Bags, mess	-	-	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-	500	-	-	-	-	500		
Brooms, birch	-	-	-	720	-	-	-	-	-	-	-	-	-	-	-	-	-	720	-	-	-	-	720		
— hair	-	-	6	6	-	-	-	-	-	-	-	-	-	-	-	-	-	12	19	-	7	26			
Brushes, scrubbing	-	-	6	2	-	-	-	-	-	-	-	-	-	-	-	-	-	33	332	-	-	332			
— whitewash	-	-	12	-	-	48	-	-	-	-	6	6	-	-	-	-	-	84	415		-	415			

(continued)

DESCRIPTION OF ARTICLES.	Superint^{dt} of Carters' Barr^{ks}.	Principal Superintend. of Convicts.	Master Attendant.	Principal Superintend. of Police.	Survey^{r} of R^{ds} & Bridges.	High Sheriff.	Female Factory.	Superint^{dt} of Grose Farm.	Superint^{dt} of Emu Plains.	Superint^{dt} at Campbeltown.	Suderint^{dt} at Bathurst.	Superint^{dt} of Wellington Valley.	Commandant at Illawarra.	Command^{t} at Pt Macquarie.	Command^{t} at Moreton Bay.	Command^{t} at King George's Sound.	Command^{t} at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Buckets	-	-	-	12	500	26	6	4	-	-	-	-	-	-	-	-	-	560	261	-	-	261			
Cans, oil	-	-	-	-	60	-	-	-	-	-	-	-	-	-	-	-	-	60	12	-	-	12	48		
Casks, harness	-	-	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	150	28	-	-	28	122		
— water	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	4	20	-	-	20			
Chairs	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	6		
Cleavers, meat	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	
Clothes, horse	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1		
Covers, table	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6	
Dishes, tin, mess	-	-	-	-	200	-	50	12	-	-	-	-	12	-	-	-	-	374	564	-	-	564			
Forks	-	-	-	-	300	-	600	-	-	-	-	36	20	-	-	-	-	1,056	4,644	-	-	4,644			
— carving	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	
— flesh	-	-	-	-	-	2	3	-	-	-	-	-	-	-	-	-	-	5	4	-	-	4			
Forms	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	6		
Kettles, camp	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	8	2,122	-	-	2,122			
— tea, tin	-	-	-	-	-	-	12	2	-	-	-	-	-	-	-	-	-	14	10	36	-	46			
Knives	-	-	-	-	300	-	600	-	-	-	-	36	20	-	-	-	-	1,056	4,644	-	-	4,644			
— carving	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	
Kids, mess	-	-	-	-	500	80	24	-	-	-	-	-	-	-	-	-	150	766	-	-	-	-	766		
Ladles, soup, iron	-	-	-	-	-	2	3	-	-	-	-	-	-	-	-	-	-	5	22	-	-	22			
Lamps	-	-	-	6	80	25	-	-	-	-	-	-	-	-	-	-	-	111	-	-	-	-	111		
Lanterns, horn	-	-	12	-	80	-	2	-	-	-	-	4	-	-	-	-	-	98	38	12	25	75	-	12	
Measures, one gallon	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1		
Mills, steel, for corn	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	4	88	6	-	94			
Mops	-	-	-	170	-	-	-	-	-	-	-	-	-	-	-	-	-	170	91	-	-	91	-	100	
Pans, frying	-	-	12	-	100	1	-	2	-	-	12	12	-	-	12	-	-	151	728	-	-	728			
— sauce, tin	-	-	-	-	100	-	12	4	-	-	-	-	-	24	-	-	-	140	231	-	-	231			
Plates, tin	-	-	-	-	1000	-	600	-	-	-	-	-	40	-	-	-	-	1,640	500	-	-	500	-	1,140	
Pots, tin, quart	-	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	24		
— tin, pints	-	-	-	-	-	-	-	6	-	-	-	-	40	-	-	-	200	346	52	-	-	52	294		
— iron	-	-	-	-	-	3	-	-	-	-	-	12	-	-	-	-	-	15	123	-	-	123			
Saucepans, iron	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	231	-	-	231			
Shovels, fire	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	4	6	-	-	6			
Spoons	-	-	-	-	2000	-	600	-	-	-	-	36	20	-	100	-	150	3,006	1,737	-	-	1,737	-	1,500	
Tables	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1		
— mess	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	6		
Tubs	-	-	-	12	-	24	12	-	-	-	-	-	-	-	-	-	-	48	21	-	-	21	27		
— night	-	-	-	-	-	-	6	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	6		
— soup	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	3		
Urinals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	62	-	-	62			
Bedding and Clothing, with their Materials:																									
Bedding:																									
Blankets	-	-	-	-	2000	100	100	6	-	-	-	35	-	-	500	-	250	5,016	4,050	-	2,000	6,050			
Hammocks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,950	1,377	100	375	1,852	-	100	

Hammocks clues - -	*pairs*	-	1,850	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,850	2,374	100	-	2,474			
[illegible] corn - -	*fathoms*	1000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	3,968	-	1,000	1,000			
Osnaburg - - - -	*yards*	-	-	-	-	-	-	325	-	-	-	-	-	-	-	-	-	-	325	-	-	-	-	-	325	
Rugs - - - - - -		-	-	-	-	-	-	30	-	-	-	-	-	-	-	-	-	-	30	852	-	-	852			
Men's Clothing:																										
Buttons, bone, large white -	*gross*	-	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	-	-	1,000	1,000	-	1,000	
— — small - - - -		-	350	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	350	-	-	350	350	-	350	
— metal, yellow - - -		-	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15	-	-	-	-	-	15	
Caps, Scotch - - - -		-	5,775	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,775	-	-	5,655	5,655	-	5,775	
Cloth, broad, blue, common	*yards*	-	437½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	437½	-	-	-	-	-	437½	For overseers' jackets.
— factory, ¾ yards wide - -		-	33,600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,600	-	-	-	-	33,600	-	For winter's clothing for 5,050 convicts.
Copperas - - - -	*lbs.*	2	6	-	-	-	-	-	-	-	30	-	-	2	-	-	-	-	40	112	-	-	112			
Duck, Linen - - -	*yards*	-	33,600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	33,600	-	-	33,330	33,330	-	33,600	For summer's clothing for 5,050 convicts.
Flour - - - - -	*lbs.*	100	560	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	660	-	-	-	-	660		
Hair, Russia - - - -		5	7	-	-	-	-	-	-	-	-	1	-	2	-	-	-	-	15	-	-	-	-	-	15	
Handkerchiefs, neck, for boys - -		100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	-	-	-	-	-	100	
Hemp, shoemakers - - -	*lbs.*	172	420	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	592	-	-	-	-	-	600	
Holland, brown - - -	*yards*	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	-	-	-	-	150	For kilts for men in the tread-mill.
Leather, kip - - - -	*lbs.*	1500	6,300	-	-	-	-	-	-	50	-	-	56	-	100	-	-	-	8,006	-	-	-	-	8,006		
— sole - - - - -		3000	14,000	-	-	-	-	-	-	50	-	-	100	-	500	112	-	-	17,762	-	-	-	-	17,762		
Nails, hob - - - - -		100	250	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	350	-	-	-	-	350		
Pitch - - - - - -		110	-	-	-	-	-	-	-	40	-	28	-	-	100	-	-	-	278	48 brls.	-	-	48 brls.			
Resin - - - - - -		60	-	-	-	-	-	-	-	20	-	14	-	-	-	-	-	-	94	1,008	-	-	1,008			
Shirting, cotton striped -	*yards*	-	28,870	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28,870	-	-	33,330	33,330	-	28,870	For two shirts each for 5,050 convicts.
Shoes - - - - -	*pairs*	-	4,550	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,550	-	-	-	-	4,550	-	To be procured by contract to make good the deficiency of manufacture of shoes.
Skins, basil - - - -		300	30	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	330	-	-	-	-	330		In Hyde Park barracks.
— kangaroo - - - -		12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	12		
Sprigs, heel - - - -	*lbs.*	25	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25	50	-	-	50			
Tacks, lasting - - - -		864	5,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,864	2,900	5,472	-	8,370			
Watch coats - - - - -		12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	12	
Wax, shoemaker's - -	*lbs.*	-	280	-	-	-	-	-	-	-	-	1	8	-	-	-	-	-	289	-	200	280	480	-	289	
Women's Clothing:																										
Calico, white - - -	*yards*	-	-	-	-	-	-	50	-	-	-	-	-	-	-	-	-	-	50	-	-	50	50	-	50	
Child-bed articles - -	*sets*	-	-	-	-	-	-	50	-	-	-	-	-	-	-	-	-	-	50	-	-	50	50	-	50	
Cotton, checked - -	*yards*	-	-	-	-	-	-	500	-	-	-	-	-	-	-	-	-	-	500	-	-	-	-	-	500	For women's aprons.
— striped - - - -		-	-	-	-	-	-	625	-	-	-	-	-	-	-	-	-	-	625	-	-	-	-	-	625	For women's jackets.
Flax - - - - - -	*lbs.*	-	-	-	-	-	-	2800	-	-	-	-	-	-	-	-	-	-	2,800	-	-	-	-	2,800		
Linen for caps - - -	*yards*	-	-	-	-	-	-	400	-	-	-	-	-	-	-	-	-	-	400	-	-	400	400	-	400	
— fine, for caps - - -		-	-	-	-	-	-	25	-	-	-	-	-	-	-	-	-	-	25	-	-	25	25	-	25	
— strong, one yard wide -		-	-	-	-	-	-	4300	-	-	-	-	-	-	-	-	-	-	4,300	-	-	-	-	-	4,300	For 1,500 women's shifts, and 50 pairs hospital sheets.
Linsey woolsey - - -		-	-	-	-	-	-	1800	-	-	-	-	-	-	-	-	-	-	1,800	-	-	1,800	1,800	1,800	-	For slops for women of the third class.

(*continued*)

DESCRIPTION OF ARTICLES.	Superint^{dt} of Carters' Barrks.	Principal Superintend. of Convicts.	Master Attendant.	Principal Superintend. of Police.	Surv^{yr} of Rds & Bridges.	High Sheriff.	Female Factory.	Superint^{dt} of Grose Farm.	Superint^{dt} of Emu Plains.	Superint^{dt} at Campbelltown.	Superint^{dt} at Bathurst.	Superint^{dt} of Wellington Valley.	Commandant at Illawarra.	Command^{t} at Pt Macquarie.	Command^{t} at Moreton Bay.	Command^{t} at King George's Sound.	Command^{t} at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Osnaburg - - - - - *yards*	-	-	-	-	-	-	900	-	-	-	-	-	-	-	-	-	-	900	-	-	1,000	1,000	-	900	For aprons for women of the third class.
Reels - - - - - - -	-	-	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	12		
Serge, blue - - - - *yards*	-	-	-	-	-	-	1500	-	-	-	-	-	-	-	-	-	-	1,500	-	-	-	-	-	1,500	For 500 petticoats.
— brown - - - - - -	-	-	-	-	-	-	2500	-	-	-	-	-	-	-	-	-	-	2,500	-	-	-	-	-	2,500	For ditto, ditto, and
Tape, broad white - - *pieces*	-	-	-	-	-	-	200	-	-	-	-	-	-	-	-	-	-	200	-	-	200	200	-	200	500 jackets.
— narrow ditto - - - -	-	-	-	-	-	-	200	-	-	-	-	-	-	-	-	-	-	200	-	-	200	200	-	200	
— red - - - - - -	-	-	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	12	
Thimbles - - - - - - -	-	-	-	-	-	-	100	-	-	-	-	-	-	-	-	-	-	100	-	220	200	420	-	200	
Thread - - - - - *lbs.*	-	-	-	-	-	-	300	-	-	-	-	-	-	-	-	-	-	300	-	570	300	870	-		
Wheels, woollen - - - -	-	-	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	12		
Wool - - - - - *tons*	-	-	-	-	-	-	20	-	-	-	-	-	-	-	-	-	-	20	-	-	-	-	20		
— cards - - - - *pairs*	-	-	-	-	-	-	200	-	-	-	-	-	-	-	-	-	-	200	31	-	-	31	200		
Blacksmith's and Tinman's Tools and Stores.																									
Anvils - - - - - - -	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	3	3	-	6			
Bellows - - - - - *pairs*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	43	1	-	44			
Borax - - - - - *lbs.*	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	112	7	-	119			
Files, bastard - - - - - -	-	-	30	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30	-	-	-	-	-	30	
— flat - - - - - - -	36	-	-	-	-	-	-	-	24	-	-	-	-	24	-	-	-	84	-	-	-	-	-	84	
— flat rough, 14 inch - - -	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	18	-	-	-	-	-	18	
— ditto - 10 inch - - -	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	-	18	-	-	-	-	-	18	
— half-round, 14 inch - - -	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	-	18	-	-	-	-	-	18	
— ditto - 10 inch - - -	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	-	18	-	-	-	-	-	18	
— round - - - - - -	-	-	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	18	
— rubbers - - - - - -	-	-	24	-	-	-	-	-	-	-	2	-	-	24	-	-	-	50	-	-	-	-	-	50	
— safe-edge - - - - - -	-	-	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	18	
— three-square - - - - -	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	-	24	
— ditto - 14 inch - - - -	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	12	-	-	-	-	-	12	
Horn - - - - - - *lbs.*	-	-	75	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75	150	-	-	150	-		
Nails, horse - - - - - -	-	-	-	-	-	-	-	4000	-	-	-	-	-	-	-	-	-	4,000	-	-	-	-	4,000		
Pincers - - - - - *pairs*	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1	8	-	-	8			
Rasps - - - - - - -	-	-	-	-	-	-	-	4	-	-	-	6	-	6	-	-	-	16	-	-	48	48			
Screw plates and taps - - -	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	2	-	-	-	-	-	2	
Solder, tinman's - - - *lbs.*	-	-	25	-	-	-	-	-	-	-	14	-	-	-	-	-	-	39	108	-	-	108	-	39	--None now in store,
Spelter - - - - - - -	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	175	19	-	194			24 July 1834.
Vices - - - - - - -	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	48	-	-	48			
Bricklayers, Plasterers, and Stone-cutters' Tools and Stores.																									
Bricks - - - - - -	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	-	-	-	-	10,000		
Hair, plasterers' - - *bushels*	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	-	-	20		
Lime - - - - - -	500	-	200	-	-	100	-	-	-	-	-	-	-	-	-	-	-	800	-	-	-	-	800		
Tools, broad - - - - -	36	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36	-	-	-	-	-	36	
— inch - - - - -	36	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36	-	-	-	-	-	36	
Trowels, bricklayers' - - -	6	-	-	-	-	-	-	-	-	-	6	2	-	-	-	-	-	14	200	-	-	200			

Carpenters' Tools and Stores:																									
Adzes	12	2	-	-	-	-	-	-	1	-	3	2	-	-	-	-	-	20	112	-	73	183			
Augers, assorted	24	12	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	42	1,744	-	109	1,853			
— ½, ⅝, ¾, ⅞, 1, 1¼ inch, of each	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	4	-	12	-	12			
— ⅜ to 1⅛ inch	-	-	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	18	
Awls, brad	24	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	12	41	115	6	280	401			
Axes, broad	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	200	-	-	200			
— wood	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	12	
Battens, feet	1000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	-	-	-	-	1,000		
Boards, flooring	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	14,314	-	-	14,314			
Bolts, round	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	12	-	-	-	-	12		
Braces	-	-	-	-	-	-	-	-	-	-	3	1	-	-	6	-	-	10	30	-	6	36			
Cedar	12,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,000	30,000	29,885	-	-	29,885			
Chisels, cold	-	-	-	-	-	8	-	-	-	-	-	-	-	-	-	-	-	8	2	-	16	18			
— 2, 1¼, 1½, 1¾, ⅝, ½ inch, of each	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	-	-	-	7	
— firmer, ½, ⅝, ¾, 1, 1½ in.	6	-	-	-	-	-	-	-	-	-	10	3	-	-	-	-	6	125	71	-	147	218			
— ditto, from ⅜ to 1½ in.	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	-	12	-	12	-	36	
— mortice, ⅝, ¾, 1, 1½ in.	3	-	-	-	-	-	-	-	-	-	8	1	-	-	-	-	-	48	137	-	22	159			
— socket, ⅝, ¾, 1, 1½ in.	6	-	-	-	-	-	-	-	2	-	10	-	-	-	-	-	6	96	-	-	148	148			
— ditto, from ⅜ to 1¼ in.	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	-	-	-	-	-	48	
Compasses - *pairs*	6	-	6	-	-	-	-	-	1	-	3	1	-	-	-	-	-	17	60	12	27	97			
Files, half-round	24	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	1,624	-	-	1,624			
— saw cross-cut	-	-	-	-	-	-	-	-	48	-	48	24	-	200	-	24	72	416	-	-	480	480	-	1,000	These articles are in constant demand.
— — hand	206	50	60	-	-	-	-	-	96	-	60	36	-	100	-	-	140	748	234	-	700	934	-	750	Ditto - ditto.
— — sash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	24	-	-	-	-	-	24	
— — tenon	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	-	-	24	-	-	-	-	-	24	
Gimblets, assorted	144	-	-	-	-	-	6	6	-	24	24	-	-	-	-	-	-	204	535	12	-	547			
— spike, 4*d.*, 6*d.*, 10*d.*, 20*d.*, and 40*d.* of each	-	-	36	-	-	-	-	-	-	-	-	1	-	-	-	-	-	185	-	-	-	-	-	185	
Glue - *lbs.*	100	-	14	-	-	-	-	-	-	-	-	6	-	12	-	-	-	132	122	-	250	372			
Gouges, firmer, from ⅜ to 1¼ in. of each	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	12	37	49			
— picking, ¼ and 1 in.	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	8	-	-	-	-	-	8	
— socket	12	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	48	-	-	12	12	-	36	
— ditto, from ⅜ to 1¼ in. of each	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	-	-	30	
— 1¼, 1, ⅞, ½, ¼ in. - ditto	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5	
Hammers, claw	-	-	12	-	-	-	-	-	-	-	6	2	-	-	-	-	-	20	-	18	20	38			
— framing	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	2	-	-	-	-	-	2	
— shingling	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2	1,320	-	11	1,331			
Hinges, brass butt - *pairs*	20	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	32	-	-	-	-	-	32	
— B. B. 3-inch	-	-	72	-	-	-	-	-	-	-	-	-	-	-	-	-	-	72	-	-	-	-	-	72	
— B. B. 2-inch	-	-	48	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	-	-	-	-	-	48	
— H.	20	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	32	36	-	-	36			
— H.	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	-	-	-	20	
— T.	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	12	936	-	-	936			
— T. 12-inch	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	-	24	
Instruments, drawing cases	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	1	1			
Knives, drawing	14	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	15	81	12	-	93			
Latches, thumb	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	-	12	227	-	-	227			
Line, sash - *fathoms*	100	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	-	120	-	-	-	-	120		
Lines, chalk	-	-	-	-	-	-	-	-	-	-	18	-	-	24	-	-	-	42	-	12	100	102			
Locks, cupboard	12	-	-	-	-	-	-	-	-	-	12	-	-	6	-	-	-	30	138	-	-	138			
— drawer	12	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	18	63	-	-	63			
— iron rimmed	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	6	-	-	6			

(continued)

DESCRIPTION OF ARTICLES.	Superintdt of Carters' Barrks.	Principal Superintendt of Convicts.	Master Attendant.	Principal Superintendt of Police.	Survey^{r} of Rds & Bridges.	High Sheriff.	Female Factory.	Superintdt of Grose Farm.	Superintdt of Emu Plains.	Superintdt at Campbelltown.	Superintdt a t Bathurst.	Superintdt of Wellington Valley.	Commandant at Illawarra.	Commandt at Pt Macquarie.	Commandt at Moreton Bay.	Commandt at King George's Sound.	Commandt at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Locks, iron rimmed, 6 inch	-	-	12	-	-	-	-	-	-	-	-	6	12	-	6	-	-	36	214	-	-	214			
— ditto - 4 inch	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12							
— ditto - 3 inch	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24							
— pad (large)	-	-	72	-	50	51	-	1	-	-	-	24	12	-	12	-	48	270	-	-	100	100	-	170	
— stock	10	-	-	-	-	-	-	-	-	-	-	24	-	-	-	24	12	70	50	-	-	50	-	20	
— chest, 4 inch	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	-	24	
Mauls, pin	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	5	12	7			
Nails, assorted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	1,000	35,260 lbs.	22,400 lbs.	-	57,660 lbs.			
— lath	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	1,400	-	-	1,400			
— lead composition, 2 inch	-	-	224	-	-	-	-	-	-	-	-	-	-	-	-	-	-	224	-	4,480	-	4,480			
— spike	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	500	-	-	500			
— ditto, No. 1, 5 inch - *lbs.*	-	-	800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	800	8,000	100	-	8,100			
— ditto, No. 2, 6 inch	-	-	1000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	13,000	200	-	13,200			
— ditto, No. 3, 7 inch	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	6,000	100	-	6,100			
— ditto, No. 4, 8 inch	-	-	800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	800	10,000	1,000	-	10,100			
— batten, No. 15, 16 lbs. p' 1,000	50	-	-	-	-	112	-	10	-	-	-	224	-	-	-	-	-	396	20	-	-	20	-	396	
— No. 17, 3 in. 28 lbs. p' 1,000	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	-	-	-	-	-	100	
— shingle, No. 82, 6 lbs. p' 1,000	600	-	-	-	-	-	-	60	-	-	-	1,344	-	-	-	-	-	2,004	-	-	-	-	-	2,500	
— die head, No. 87, 2 ¼ in.	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	-	-	-	-	-	100	
— brads, No. 92, ⅝ in., 12 oz. p' 1,000	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5	
— ditto, No. 93, 1 in., 14 oz. p' 1,000	25	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30	-	-	-	-	-	30	
— ditto, No. 94, 1¼ in., 1¾ lbs. p' 1,000	-	-	8¾	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8¾	-	-	-	-	-	8¾	
— ditto, No. 95, 1½ in., 2¾ lbs. p' 1,000	25	-	22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	47	-	-	-	-	-	50	
— ditto, No. 96, 2 in., 4 lbs. p' 1,000	50		20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	70	-	-	-	-	-	70	
— ditto, No. 97, 10 lbs. p' 1,000	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	4,000	-	-	4,000			
Boat Iron; viz.																									
— No. 111, 1 ¼ in., 4 lbs. p' 1,000	-	-	80	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80	-	-	-	-	-	80	
— No. 112, 1 ½ in., 6 lbs. p' 1,000	-	-	60	-	-	-	-	-	-	-	-	-	-	-	-	-	-	60	-	-	-	-	-	60	
— No. 113, 2 in., 10 lbs. p' 1,000	-	-	200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	-	-	-	-	-	200	
— No. 114, 2 ¾ in., 14 lbs. p' 1,000	-	-	280	-	-	-	-	-	-	-	-	-	-	-	-	-	-	280	-	-	-	-	-	280	
— No. 115, 4 in., 35 lbs. p' 1,000	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	-	-	-	-	-	500	
Copper Wrought; viz.																									
— No. 141, 6 in., 175 lbs. p' 1,000	-	-	700	-	-	-	-	-	-	-	-	-	-	-	-	-	-	700	-	-	-	-	-	700	
— No. 142, 4 in., 80 lbs. p' 1,000	-	-	400	-	-	-	-	-	-	-	-	-	-	-	-	-	-	400	70	-	-	70	-	330	
— No. 145, 2 ¼ in., 18 lbs. p' 1,000	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	224	300	-	524			
— No. 146, 2 in., 12 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36	400	300	-	700			
— No. 148, 1 ¼ in. 5 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75	-	-	-	-	-	75	
— No. 149, 1 in., 3 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	600	-	600			
— No. 151, ½ in., 1 lb. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	-	-	-	-	-	13	
— cast, No. 160, 1 in., 6 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,250	1,013	-	-	1,013	-	237	
— ditto, No. 162, 1⅜ in., 5 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	-	-	-	-	150	
— ditto, No. 163, 1½ in. 6 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	-	-	-	-	150	

— Boat, Copper Wrought; viz.																											
— No. 171, 1 in., 3½ lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	353	-	-	353				
— No. 172, 1¼ in., 5½ lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	55	-	-	-	-	-	55		
— No. 174, 2 in., 10 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	-	-	-	-	-	50		
— No. 175, 2½ in., 25 lbs. p' 1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	125	-	-	-	-	-	125		
Paper, sand - - - - *sheets*	100	-	-	-	-	-	-	-	-	-	-	-	-	-	36	-	-	-	236	200	-	-	200	-	200		
Pincers - - - - - *pairs*	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	30	-	-	-	-	-	30		
Planes, bead - - - - - -	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	84	-	-	84				
— ditto, 1½, 1, ¾, ½, ⅜, ¼ in. of each	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6		
— ditto, cock - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	1		
— door moulding - - -	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3		
— grooving - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	12	12	-	24				
— jack - - - - -	9	3	6	-	-	-	-	-	-	1	-	2	2	-	-	-	-	8	31	11	12	-	23	-	8		
— phillister - - - -	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	12	12				
— jointer - - - - -	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6		
— plough - - - - -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	4	4				
— rabbit - - - - -	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	1	-	-	2	2				
— ditto, 2, 1½, 1, ⅞, ½ inch, of each	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	5		
— smoothing - - - -	9	3	6	-	-	-	-	-	-	1	-	2	2	-	-	-	-	8	31	17	-	-	17	-	14		
— trying - - - - -	6	-	12	-	-	-	-	-	-	-	-	2	2	-	-	6	-	6	34	30	-	-	30	-	4		
Pots, glue - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	2	-	-	12	12				
Pullies, window - - - *pairs*	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	12	12	-	12				
Rasps - - - - - -	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	6	6	-	6				
Rules, 2 foot - - - - -	18	-	-	-	-	-	-	-	-	-	-	5	5	-	12	-	-	12	52	88	12	-	100				
Saws, cross cut - - - - -	-	-	12	-	-	-	-	-	-	-	-	-	-	-	6	12	-	-	30	-	-	34	34	-	36		
— dovetail - - - - -	-	-	2	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	4	56	-	4	60				
— hand - - - - -	14	-	6	-	-	-	-	-	-	2	-	5	-	-	-	6	-	-	33	39	12	100	151				
— keyhole - - - - -	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	238	-	1	239				
— sash - - - - -	6	-	-	-	-	-	-	-	-	-	-	2	2	-	-	-	-	6	16	-	-	12	12	-	4		
— tenon - - - - -	6	-	4	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2	14	57	-	-	57				
— turning - - - - -	-	-	6	-	-	-	-	-	-	-	-	-	2	-	-	-	-	6	14	-	-	6	6	-	8		
Scantling - - - - -	1200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,200								
— 5 × 3 - - - -	1000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	30,931							
— 3 × 3 - - - -	1000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000								
Screws, No. 203, ¾ in., 3 ½ lbs. p' 1,000 *lbs.*	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	503	-	-	-	-	-	503		
— No. 204, ⅝ in., 5 lbs. p' 1,000 -	-	-	700	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	700	-	-	-	-	-	700		
— No. 205, 1 in., 7 lbs. p' 1,000 -	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	505	-	-	-	-	-	505		
— No. 207, 1¼ in., 10½ lbs. p' 1,000 -	-	-	300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	300	-	-	-	-	-	300		
— No. 225, 1¼ in., 13 lbs. p' 1,000 -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	10	-	-	-	-	-	10		
— No. 226, 1½ in., 18 lbs. p' 1,000 -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	13	-	-	-	-	-	13		
— No. 227, 2 in., 26 lbs. p' 1,000 -	26	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	26	-	-	-	-	-	26		
Shaves, spoke - - - - -	12	-	-	-	-	-	-	-	-	-	-	9	2	-	-	-	-	-	23	52	-	26	78				
Shingles - - - - -	2000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	-	-	-	-	20,000			
Stones, grind - - - - -	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	24	-	-	26	-	-	32	32	26			
— oil - - - - -	4	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	8	8	-	8		
Tapes, measuring - - - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	29	-	-	29				
Tools, screw, for turning, No. 4 - -	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1				
— ditto - ditto - No. 5 - -	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1				
— ditto - ditto - No. 6 - -	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1				
Coopers' Tools and Stores:																											
Bick irons - - - - -	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	9	-	-	9				
Bitts - - - - - -	12	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	-	18	-	12	-	12				

(continued)

DESCRIPTION OF ARTICLES.		Superintᵈ of Carters', Barrᵏˢ.	Principal Superintendᵗ of Convicts.	Master Attendant.	Principal Superintendᵗ of Police.	Surveyʳ of Rᵈˢ & Bridges.	High Sheriff.	Female Factory.	Superintᵈ of Grose Farm.	Superintᵈ of Emu Plains.	Superintᵈ at Campbelltown.	Superintᵈ at Bathurst.	Superintᵈ of Wellington Valley.	Commandant at Illawarra.	Commandt at Pt Macquarie.	Commandt at Moreton Bay.	Commandt at King George's Sound.	Commandt at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Braces	-	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	3	-	-	12	12			
Chisels, heading	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	12			
Crozes	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	1	-	-	-	6			
Drivers	-	12	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	14	-	-	-	50			
Flagging irons	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	2	-	-	6	8			
Hammers, riveting	-	-	-	-	-	-	-	-	-	-	-	2	1	-	-	-	-	-	3	-	-	29	29			
Headings	-	6000 *pieces*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6,000	-	-	-	-	6,000		
Howels	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	20	20			
Jointers	-	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	3	7	-	-	7			
Knives, heading	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	1	-	-	1			
— hollow	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	1	-	-	1			
— straight	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	1	-	-	1			
Punches	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	76	-	-	76			
Rivets	-	- *lbs.*	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	-	-	-	-	50		
Shaves, round	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	180	-	-	180			
Staves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12,000	-	-	-	-	12,000		
Glaziers' Tools and Stores.																										
Diamonds	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	4	4	-	5	9	-	12	
Glass, common crown, 12×10		- *panes*	100	-	220	-	-	-	-	-	-	200	-	-	240	-	-	-	760	1,440	180	-	1,440			
— — 10×8		-	-	-	118	-	-	-	-	-	-	-	-	-	-	-	126	-	268	180	-	-	-			
— plate 12×10		-	-	-	220	-	-	-	-	-	-	-	-	150	-	-	-	-	220	-	-	-	-			
— 10×8		-	-	-	118	-	-	-	-	-	-	-	-	-	-	-	-	-	118	-	-	200	-	-	138	
Putty	-	- *lbs.*	-	-	448	-	-	-	-	-	-	-	28	-	-	-	-	-	476	-	-	-	-	476		
Harness, and Harness-makers' Tools and Stores.																										
Awls, harness	-	-	48	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	48	740	-	120	860			
Bands, back, iron	-	-	12	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	18	-	-	47	47			
— trace	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	46	-	46			
— belly	-	-	12	-	-	-	-	-	-	4	-	-	6	-	-	-	-	-	22	-	-	-	-	22		
Bits	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	72	150	222			
— snaffle	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	12	12			
— breaking	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	12	12			
Bows, bullock	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	-	-	24	-	-	-	-	24		
Boxes, dray	-	-	-	-	-	-	-	-	-	-	-	24	12	-	-	-	-	-	36	1	-	-	1			
Breechings	-	- *pairs*	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-	16	-	-	104	104			
Bridles, bullock	-	- *pairs*	12	-	-	-	-	-	-	3	-	-	6	-	-	-	-	-	9	172	-	-	172			
— hack	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	9		
— winker	-	-	24	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	3	-	-	-	-	3		
Buckles, tin plated	-	-	500	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	36	320	-	-	320			
— common	-	-	2000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	500	-	-	500			
Carts	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,000	483	-	-	-	12		
Chains, claw	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	12	-	-	-	-	2		
— leading	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	6	4	-	-	4	4		

Chains, lock					4																									
— trace	pairs	12												24		4							36	31		36	67		
Cloth, factory	yards	200								30			30										260					260		
Collars		24											6										30	2			2	28		
Hames	pairs												6										6	4			4	2		
— shaft		12																					12					12		
— trace		12																					12					12		
Hammers, saddlers'														1									1	35			35			
Irons, breeching	pairs	150																					150					150		
— hand														2									2						2	
— stirrup	pairs	12																					12	1		12	13			
Knives, round		2																					2			5	5			
Leather, harness	lbs.	2000								100			56		400								2,556					2,556		
— white thong		50																					50					50		
Needles, collar		6										6											12				12		12	
— harness		200										106	272		12								590	320	40		360		500	
Saddles, cart		12																					12	32			32			
— hack																	3						3	7			7			
Shalloon, white	yards	20																					20						20	
Skins, sheep										20													20					20		
Tacks, brass		1000																					1,000			1,000	1,000		1,000	
— saddling	lbs.	20																					20						20	
Tallow		50								100													1,270					1,270		
Tape, worsted red	yards	500																					500						500	
— white		500																					500						500	
Thread	lbs.									4		2	10										16						16	
Trees, saddle		12																					12	70			70			
— cart		150																					150						150	
Twine	lbs.									8		12	10										30	339		225	564			
Web, girth	yards	100																					100			100	100		100	
Whips		50																					50	4			4	46		
Wool	lbs.	100																					100					100		
Horse Medicine.																														
Aloes, Barbadoes	lbs.	20																					20	15		20	35		20	
Alum, powder of	papers	3																					3						3	
Aniseed	lbs.	28																					28			20	20		28	
Antimony, powder of		20																					20	7		10	17		30	
Arsenic	oz.	4																					4			4	4		4	
Bole ammoniac	lbs.	12																					12			12	12		12	
Balsam, friar's	gals.	½																					½						½	
Bay, oil of		⅛																					⅛			⅛	⅛		⅛	
Calomel	oz.	4																					¼			4	4		4	
Camphor	lbs.	1																					1	2		1	3			
Cantharides		1																					1	19			19			
Capivy, balsam	pints	1																					1						1	
Clams, castrating	pairs	2																					2			2	2			
Euphorbium, oil of	gals.	⅛																					½	5		⅛	5⅛			
Farriery, White's, vol. 3	copy	1																					1						1	
Ginger, ground	lbs.	28																					28			28	28	28		
Hogs' lard		20																					20			20	20	20		
Infusion, blistering	bottles	1																					1						1	
Lancets, farriers'		6																					6			6	6		6	

(continued)

DESCRIPTION OF ARTICLES.		Superintᵗ of Carters' Barrᵏs.	Principal Superintend. of Convicts.	Master Attendant.	Principal Superintend. of Police.	Surveyʳ of Rdˢ & Bridges.	High Sheriff.	Female Factory.	Superintᵗ of Grose Farm.	Superintᵗ of Emu Plains.	Superintᵗ at Campbelltown.	Superintᵗ at Bathurst.	Superintᵗ of Wellington Valley.	Commandant at Illawarra.	Commandᵗ at Pt Macquarie.	Commandᵗ at Moreton Bay.	Commandᵗ at King George's Sound.	Commandᵗ at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisition for 1830.	Expected ont, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Lead, sugar of	lbs.	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	25	-	5	30	-	28	
Linament, blistering	bottles	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	28	28	-		
Liquorice, powder of	lbs.	28	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	-	-	-	-	-		
Mass, cordial	pots	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	4	-	-	4	-		
— diuretic	jars	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	23	-	-	29	-		
— fever	–	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	11	-	6	17	-		
— purging	pots	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	25	-	-	25	-		
Materia Medica, Veterinary	copy	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1	-		
Myrrh, tincture of	gals.	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	3	-	1	4	-		
Nitre	lbs.	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	42	-	20	62	-		
Oil, castor	gals.	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	2	-	2	
Opium	lbs.	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1	-	1	
Originum, oil of	gals.	½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	½	-	-	½	1	-	½	
Phlems	cases	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	6	6	-		
Pipe, glister and bay	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	1	3	-		
Pitch, Burgundy	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	12	12	-	12	
Powders, Finagruk	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	20	20	-	20	
Resin	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	50	-	-	50	-	1	
Salts, Epsom	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	7	-	50	57	-	50	
Seeds, carraway	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	20	20	-	20	
— fennel	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	20	20	-	20	
Spike, oil of	gals.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	½	-	-	½	½	-	½	
Soap, soft	kegs	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	2	-	2	
Sublimate, corrosive	oz.	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-		
Sulphur	lbs.	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	15	-	2	2	-	2	
Tar, Barb	gals.	½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	½	-	-	20	35	-		
— oil of	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	½	½	-	½	
Tartar, emetic	lbs.	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	1	1	-	1	
Treacle, Venice	-	28	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	-	-	4	4	-		
Tow	-	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-	-	28	28	-	28	
Turpentine, oil of	gals.	½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	½	20	-	-	30	-		
— spirits of	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	4	-	10	4½	-		
— Venice	lbs.	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	2	-	½	½	-	2	
Vitriol, blue	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	40	-	-	40	-	10	
— oil of	gals.	½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	½	1	-	-	-	-	5	
— white	lbs.	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	5	6	-	½	
Webbing	yards	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	23	-	½	½	-	½	
Wine, spirits of	gals.	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	5	28	-	28	
Metals:																										
Composition, old to recast	lbs.	-	-	560	-	-	-	-	-	-	-	-	-	-	-	-	-	-	560	-	4,928	560	5,188	-	100	
Copper bolt, ½ inch	-	-	-	560	-	-	-	-	-	-	-	-	-	-	-	-	-	-	560	-					1	
— 5/8	-	-	-	560	-	-	-	-	-	-	-	-	-	-	-	-	-	-	560	-						
— ¾	-	-	-	784	-	-	-	-	-	-	-	-	-	-	-	-	-	-	840	-	5,900	-	5,900	-		
— 1	-	-	-	560	-	-	-	-	-	-	-	-	-	-	-	-	56	-	560	-						
— 1⅛	-	-	-	224	-	-	-	-	-	-	-	-	-	-	-	-	-	-	224	-						

Copper, sheet, 16 oz.	*sheets*	-	-	250	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250	-	1,000	-	1,000			
— 18 oz.	—	-	-	300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	300	-	1,000	-	1,000			
— 22 oz.	—	-	-	700	-	-	-	-	-	-	-	-	-	-	-	-	-	-	700	-	1,000	-	1,000			
— 28 oz.	—	-	-	200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	-	-	-	-	-	200	
Iron bar, flat, 1 to 3 inches	*lbs.*	-	-	2520	-	-	-	-	-	100	-	1000	336	200	2240	-	-	8,960	15,356	-	-	-	-	-	19,000	
— round, ½ to 1½ inch	—	-	-	-	-	-	-	-	-	-	-	300	-	-	-	-	-	-	300	} 1,924	-	12,000	13,924			
— — 1¼ to 1 inch	—	-	-	1400	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,400							
— — ⅝ inch	—	-	-	-	-	-	-	-	-	250	-	-	-	-	-	-	-	-	250	-	-	-	-	-	250	
— square, ⅝ to 1½ inch	—	-	-	2520	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,520	} 34752	45,000	-	79,752			
— — ½ to 1 inch	—	-	-	1500	-	-	-	-	-	-	-	300	-	-	-	-	-	-	1,800							
— — ¾ inch	—	-	-	-	-	-	-	-	-	250	-	-	-	-	-	-	-	-	250	-	-	-	-	-	250	
— — ⅝ inch	—	-	-	-	-	-	-	-	-	200	-	-	-	-	-	-	-	-	200	-	-	-	-	-	200	
— Swedish, 4 inches	—	-	-	224	-	-	-	-	-	-	-	-	-	-	-	-	-	-	224	-	-	-	-	-	224	
— — 2 to 3 inches	—	-	-	224	-	-	-	-	-	-	-	100	-	-	-	-	-	-	324	-	-	-	-	-	324	
Iron bolt, ½ to 1½ inch	—	-	-	-	-	7000	-	-	-	-	-	-	-	-	-	-	-	-	7,000	-	60,000	-	60,000	-	7,000	-- The greater part of the bolt-iron in store is too large for use.
– hoop	—	-	-	3000	-	784	-	-	-	-	-	-	56	-	2240	-	-	-	6,080	-	9,864	-	9,864			
– nail-rod	—	-	-	3000	-	-	-	-	-	800	-	300	112	-	2240	-	-	4,480	10,932	4,592	48,000	20,000	72,592			
– sheet, 70 lbs.	*sheets*	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100	} 713	-	-	713			
– sheet, 12 to 15 lbs.	—	-	-	-	-	-	-	-	-	-	-	10	-	-	-	20	-	-	30							
– tin, 2½ by ⅝	*lbs.*	2000	-	-	-	-	-	-	-	200	-	-	-	-	-	-	-	-	2,200	} -	4,480	{ 1,500	} -	7,480		
– tin, 3 by ⅝	—	1000	-	-	-	-	-	-	-	500	-	-	-	-	-	-	-	-	1,500			{ 1,500				
Lead, sheet, 7 lbs. per square ft.	*sheets*	-	-	56	-	-	-	-	-	-	-	-	-	-	-	-	-	-	56							
Steel	*lbs.*	-	-	-	-	-	-	-	-	-	-	100	28	-	-	-	-	-	128	1,120	560	400	2,080			
— blister	—	224	-	-	-	-	-	-	-	-	-	-	-	-	-	336	-	-	620	-	3,584	12,000	15,584			
Tin boxes	—	-	-	4	-	-	-	-	-	-	-	-	-	-	-	1	-	-	5	114	-	-	114			
Miscellaneous:																										
Chalk	*lbs.*	-	-	168	-	-	-	-	-	-	-	-	-	-	-	-	-	-	168	-	-	-	-	168		
Coals	*tons*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	50	-	-	-	-	50		
Combs	-	-	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	-	12	-	-	-	-	-	12	
— rack	-	-	-	-	-	300	-	-	-	-	-	-	-	-	-	-	-	-	300	767	-	-	767			
Cord, scourging	*lbs.*	-	-	-	-	20	5	-	-	-	-	-	-	-	-	-	-	-	25	-	-	-	-	-	25	
Cotton wick	-	-	-	-	-	-	6	-	2	-	-	-	-	-	-	-	-	-	8	500	-	-	500			
Grease	-	-	-	-	-	-	-	-	-	-	-	200	-	-	-	-	-	-	200	-	-	-	-	200		
Hammers, rivetting	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	2	90	-	-	90			
Irons, leg	*pairs*	-	-	-	-	-	1300	-	-	-	-	6	-	-	-	-	-	-	1,306	-	-	-	-	-	-	-- There is always a sufficiency of leg-irons landed from ships.
— rivets for	-	-	-	-	-	-	3000	-	-	-	-	-	-	-	-	-	-	-	3,000	-	-	-	-	3,000		
— double	*pairs*	-	-	-	-	-	400	-	-	-	-	-	-	-	-	-	-	-	400							
Oil, fish	*gals.*	50	-	600	-	-	340	800	40	-	-	15	-	-	-	-	-	-	1,845	-	-	-	-	1,845		
Penknives	-	-	-	-	-	-	50	-	8	-	-	-	-	-	-	-	-	-	58	-	-	-	-	-	58	
Razors	-	-	-	-	-	-	200	24	-	-	12	-	-	12	-	-	24	-	272	216	-	-	216	-	56	
Scissors	*pairs*	-	-	-	-	-	200	-	-	-	-	-	-	-	-	-	-	-	200	16	35	-	51	-	150	
Suries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	1	6	2	9			
Soap	*lbs.*	-	-	224	-	-	1350	-	-	-	-	-	-	-	-	-	-	-	1,574	-	-	-	-	1,574		
Steelyards to weigh 120 lbs.	-	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	-	-	-	50	-- The difference required for the Surveyor of Roads and Bridges.
Tar	*gals.*	50	-	-	10	-	-	-	-	-	-	-	10	-	-	-	-	-	70	200 barrels.	1,084	-	200 barrels.			
Tarpaulins	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	-	-	-	8	-	-	-	-	8		
Handcuffs	*pairs*	-	-	-	-	50	-	-	-	-	-	20	-	-	-	-	-	-	70	767	-	-	767			
Punches	-	-	-	-	-	-	8	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	8		

(continued)

DESCRIPTION OF ARTICLES.	Superintdt of Carters' Barrks.	Principal Superintendt of Convicts.	Master Attendant.	Principal Superintendt of Police.	Surveyr of Rds & Bridges.	High Sheriff.	Female Factory.	Superintdt of Grose Farm.	Superintdt of Emu Plains.	Superintdt at Campbeltown.	Superintdt at Bathurst.	Superintdt of Wellington Valley.	Commandant at Illawarra.	Commandt at Pt Macquarie.	Commandt at Moreton Bay.	Commandt at King George's Sound.	Commandt at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Staves, constables	-	-	-	-	-	-	240	-	-	-	8	-	-	-	-	-	-	248	81	-	6	87	161		
Wax, bees	-	-	6	-	-	-	-	-	-	-	-	-	-	2	-	-	-	8	40	-	-	40			
Weights, small, 1, 2, 4, 7, 14 & 28 lbs., of each	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	6	10	-	-	10			
Naval Stores:																									
Anchors, 4 cwt.	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— 5 —	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— 6 —	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— 7 —	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— 8 —	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— 9 —	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	5	9			
Adzes, shipwrights'	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
Axes	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	12	12	24	-	12	
Blocks, single, 4 inch	-	-	40	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	12	12				
— — 5 inch	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	40		-	-	-	-	40	
— — 6, 7, 8, 9 & 10 inch. of each	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100		-	-	-	-	100	
— double, 5, 6, 7, 8, 9 & 10 in.	-	-	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	2,014	500	500	1,000			
— bush single	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	600		600	600	1,200			
— — double	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-	-	-	10							
Brushes, deck, clamp, scrubbing	-	-	25	-	-	-	-	-	-	-	-	-	-	4	-	-	-	4							
— tar	-	-	72	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25	-	-	-	-	-	25	
Bull's-eyes, or illuminators	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	72	50	-	-	50	-	22	
Bunting, blue *bolts*	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	24	24	48			
— red	-	-	5	-	-	-	-	-	-	-	-	-	-	1	-	-	-	6							
— white	-	-	5	-	-	-	-	-	-	-	-	-	-	1	-	-	-	6							
— yellow	-	-	5	-	-	-	-	-	-	-	-	-	-	1	-	-	-	6							
Cable, old, as junk *tons*	1¼	-	10	-	-	-	-	-	-	-	-	-	-	1	-	-	-	6							
Cables, chain, equal to 10 in. rope	-	-	4	-	-	-	-	-	-	-	-	-	-	2	½	-	-	13¾	-	-	8	8	-	14	
— — 8	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	2	-	2	-	2	
— — 7	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2	2	4			
— — 6	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2	2	4			
— — 5	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
— — 4	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	4	8			
Cablet, 4 strand, 8 in. for stays, fathoms	-	-	120	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	4	4	8			
Cabooses, cooking, for 70 persons	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	120	202	-	-	202			
Canvass, No. 2 *bolts*	-	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	
— No. 3	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	-	50	50	100			
— No. 4	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	100	100	200			
— No. 5	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	-	100	100	200			
— No. 6	-	-	150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	150	706	100	100	200			
— No. 7	-	-	80	-	-	-	-	-	-	-	-	-	-	2	3	1	-	150	-	100	100	200			
— No. 8	-	-	80	-	-	-	-	-	-	-	-	-	-	2	3	-	-	86	-	100	100	200			
Charts, King's, of the Coast of New Holland, bound *sets*	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	85	-	100	100	200			
Chronometers	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	2			
Colours, water *boxes*	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	2	2			
																		1	11						

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DESCRIPTION OF ARTICLES.	Superintᵈᵗ of Carters' Barᵏˢ.	Principal Superintendᵗ of Convicts.	Master Attendant.	Principal Superintendᵗ of Police.	Surveyᵗ of Rᵈˢ & Bridges.	High Sheriff.	Female Factory.	Superintᵈᵗ of Grose Farm.	Superintᵈᵗ of Emu Plains.	Superintᵈᵗ at Campbelltown.	Superintᵈᵗ at Bathurst.	Superintᵈᵗ of Wellington Valley.	Commandant at Illawarra.	Commandᵗ at Pᵗ Macquarie.	Commandᵗ at Moreton Bay.	Commandᵗ at King George's Sound.	Commandᵗ at Norfolk Island.	TOTAL.	In Store, 24 Dec. 1829.	Since arrived, on Requisitions for 1828.	Expected out, on Requisition for 1829.	Total available for 1830 and 1831.	Required from the Colony for 1832.	Required from England for 1832.	REMARKS.
Thread, white	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3	
Twine, roping	-	-	200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	339	200	400	600	-	-	
— seaming	-	-	600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	600		600	800	1,400			
Ordnance Stores:																									
Ammunition — — — *rounds*	-	-	-	-	-	-	-	-	-	150	-	60	-	-	-	-	-	210	-	-	-	-	-	-	- - Estimated for by the Ordnance storekeeper.
Muskets	-	-	-	-	-	2	-	-	-	4	-	-	-	-	-	-	-	6	-	-	20	20	-	-	
— ball-cartridge — *rounds*	-	-	-	200	-	-	-	-	-	-	-	-	-	-	200	-	-	400	-	-	-	-	-	-	- - Estimated for by the Ordnance storekeeper.
Pistols	-	-	-	-	-	-	-	-	-	8	-	-	-	-	-	-	-	8	-	-	20	20	-	-	
— ball-cartridge — — *rounds*	-	-	-	200	-	-	-	-	-	-	-	-	-	-	-	-	-	200	-	-	-	-	-	-	- - Estimated for by the Ordnance storekeeper.
Shot, small — — — — *lbs.*	-	-	-	-	-	-	-	-	-	-	-	50	-	-	-	-	-	50	-	-	350	350	-	-	
Bayonets	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	2	2						
Painters' Tools and Stores:																									
Brushes, paint	-	-	-	-	-	12	-	-	-	-	-	12	12	-	12	-	-	60							
— pound	-	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	723	-	-	723			
— stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-	-	12							
Lead, black — — — — *lbs.*	200	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	200	180	-	-	180	-	200	
— red	-	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	-	-	-	-	-	20	
— white	-	-	2800	-	-	122	-	-	28	-	112	112	-	-	-	-	1,000	4,228	-	-	2,500	2,500	-	4,228	
Litharge	-	-	10	-	-	-	-	-	-	-	-	-	5	-	-	-	-	25	-	30	100	130			
Oil, sweet — — — — *gals.*	1	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	3	-	-	-	-	-	3	
— linseed	-	-	250	-	-	12	-	-	12	-	30	5	25	-	-	-	50	399	15	556	500	1,071			
Paint, black — — — — *lbs.*	56	-	1120	-	-	74	-	-	14	-	56	28	-	53	56	-	200	1,657	-	2,518	2,500	5,018			
— — lamp	-	-	28	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28	250	-	-	250			
— blue	56	-	-	-	-	-	-	-	-	-	28	-	-	-	112	-	-	196	540	-	-	540			
— — Prussian	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	5	-	5	-	5	
— green	10	-	336	-	-	-	-	-	-	-	28	-	-	56	-	-	200	630	280	1,106	500	1,886			
— indigo	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	175	4	-	179			
— red	56	-	112	-	-	28	-	-	28	-	28	-	-	-	-	-	-	252	299	256	-	555			
— vermillion	½	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2½	68	6	-	74			
— yellow ochre	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-	-	-	24	106	9	-	115			
— — patent	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	4	
Tools, sash, assorted	-	-	24	-	-	-	-	-	-	-	-	-	-	12	-	-	-	36	29	-	-	29	-	12	
Turpentine — — — *gals.*	5	-	80	-	-	5	-	-	8	-	15	-	-	-	10	-	20	143	428	195	500	1,123			
Varnish, black — — *barrels*	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	1	2	6	9			
— copal — — — *gals.*	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	5	-	-	5			
Whiting — — — — — *lbs.*	50	-	112	-	-	-	-	-	50	-	100	-	-	50	-	-	-	362	94	1,570	2,240	3,804			
Ropemakers' Tools and Stores:																									
Flax, New Zealand — — — *lbs.*	2000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,000	-	-	-	2,000	2,000		
Hackles, fine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	32	-	-	32			
— coarse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1							

Sawyers' Tools and Stores:																														
Boxes																							6	24	-	-	24		
Pitsaws													1	-	2	-	-	-	12	-	-		15	24	-	-	24	-	15
Files, pitsaw											48	-	60	36	-	200	-	48	120				512	-	-	700	700	-	512
Sawsets																							6	-	12	-	12		
Tillers																			-	6			6	24	24	-	24		
Worsted						*lbs.*													4				4	-	-	-	-	-	4
Shoemakers' Tools:																														
Awls																24							24	46	-	-	46	-	1,000
— blades							288	600															888						
Boards, cutting								3															3	-	-	3	3	3	
Hammers															1								1	5	1	-	6		
Handles, awl							100	60															160	-	-	-	-	160	
Irons, shoemakers'							48																48	12		20	32	-	16
Knives							48	30							1								79	6	85	-	91	-	79
Lasts, assorted								60															60	114	-	-	114		
Punches							12								6								18	21	-	-	21	-	18
Rasps							12	30															42	24	-	-	24	-	42
Wheelwrights' Tools and Stores:																														
Axletrees						*pairs*	12																12	59	-	-	59		
Beards						*feet*	800																800	-	-	-	-	800	
Boxes, cart						*pairs*	12								24	6							30	124	-	-	124		
Felloes							200																200	-	-	-	-	200	
Hammers							4																4	-	-	-	-	-	4
Spokes							400																400	-	-	-	-	400	
Stocks							28																28	-	-	-	-	28	

Commissariat Office, Sydney,
24 July 1830.

(signed) *James Laidley*, D.C.G.

(signed) *J. Spurrier*, A.C.G. Accounts.

(signed) *William Macpheron*, Collector Int. Revenue.

(signed) *James Busby.*

— No. 12. —

Proportional Difference between the Care of 4,800 Convicts, and the Care of as many Soldiers.

Difference between the care of Convicts and Soldiers.

In reference to the question of the Committee regarding the proportional difference between the care of 4,800 convicts, and the care of as many soldiers, I beg to explain, that to conduct the duties of a convict establishment, such as that at New South Wales, a larger commissariat department is requisite than would be the case if the convicts were to be entirely replaced by troops to an equal extent, because the circumstances which render expedient the present diversified and widely extended system of locating the convicts, so as to meet the views of transportation, could not be applicable to a military force.

The paper already submitted to the Committee will have explained that the system of location is the primary cause of multiplying the commissariat duties so much in New South Wales. It therefore remains to be shown that, even if the convicts were more concentrated, those duties must still be more arduous than would be consequent on a military force similarly situated.

There is not any part of the duty which the commissariat have to perform for troops that is not necessary for the convicts also, and that to a much greater extent, the rations of the latter being of a more varied and complicated character, while the labour and responsibility of distributing and accounting for them rest more with the commissariat than in the case of troops with whom there is a quartermaster and others better qualified for such details than the convict superintendents and overseers, who are not calculated for such service.

The same facility of check on the issue of rations does not exist as in a regiment, so that much of the important duty of mustering convicts, and other means by which an undue expenditure can be prevented, rests likewise with the commissariat.

The service too is far from being so regular and simple, particularly with regard to the cash transactions, for, while in the one case money is generally imprested to a responsible officer, by whom it is disbursed and accounted for in detail; in the other case, the commissariat officers must be charged with all this extra responsibility, an addition which, of course, is attended with corresponding arrangements in every branch of the department.

But independently of such duties as the commissariat have to perform for the troops, there are others which necessarily arise in the case of convicts; namely, the receipts, custody and appropriation of the proceeds of their labour, both with regard to mechanics and agriculturists; the providing and supplying all stores, tools and implements necessary to this purpose, and more especially the clothing of the convicts, a very considerable branch in itself, the materials to a great extent being procured, made up, and afterwards distributed under the superintendence of the commissariat.

It would be almost impossible, without a practical experiment, to state with any degree of accuracy the difference between the expense of a commissariat establishment for convicts and one for an equal number of troops; but these remarks may serve to show that a considerable difference would exist, and that such difference would greatly preponderate in the case of convicts.

T. Archer.

— No. 13. —

Correspondence respecting Examination of Arrear Accounts.

Correspondence respecting Examination of Arrear Accounts.

Sir, Commissariat of Accounts, Sydney, 6 September 1833.

Having received from the Right Honourable the Lords Commissioners of His Majesty's Treasury a copy of the letter addressed by their Lordships to His Excellency the Major-general, commanding, under date of 3d December 1832, in which the state of the department of the Commissariat of Accounts is commented upon, I have the honour to submit some remarks and information on the several subjects, with the view of aiding his Excellency in carrying into effect the measures directed by their Lordships.

My Lords having given their sanction to the appointment of two additional officers or clerks to the account department, to be employed in its permanent current duties; this has been accomplished by two deputy-assistant commissaries-general being recently attached thereto.

My Lords further proceed to express their desire that certain arrear accounts of the commissariat, embracing the provision and store transactions for the period between 25th December 1828 and 24th December 1830, which have been left unexamined by the account department, and the original sets so sent to England, should now undergo an examination here by a separate establishment, under the superintendence of the officer in charge of the account department, leaving the appointment of the number of persons, and mode of remuneration for their services, under various suggestions, for the decision of his Excellency.

Prior to offering my opinion on the mode of carrying these objects into effect, I must beg leave to confess that, after receipt of their Lordships' communication, I was for some time in doubt whether the instruction was definitive, and therefore delayed addressing his Excellency on the subject. A letter recently received by me from their Lordships has, however, removed any doubt I might have entertained thereon.

I think myself correct in assuming it as quite certain, from the tenor of the report of the inquiry into the state of the commissariat offices in Sydney, as quoted in their Lordships' letter, that a very considerable progress must have been made in the examination of the

Arrear

Correspondence respecting Examination of Arrear Accounts.

arrear accounts in question, inasmuch as the extent and minuteness, and the detail of such examination are particularly adverted to, as also that the branch of the commissariat office exclusively engaged in that duty consisted of nine persons. I must, therefore, request that his Excellency will be pleased to give directions to Deputy Commissary-general Laidley to hand over to me, with the duplicate accounts, all the proceedings, either in the nature of observations, reports or otherwise, which have taken place in the course of that examination, as well as to give me information as to what point generally, and up to what period the accounts have been so examined. I think that such examination may be as safely relied upon as any which could now be given by an office formed at this time under my superintendence, not only because I fear I shall have much difficulty in forming an efficient establishment for the purpose, but also because much time and labour would be saved, and consequently expense abridged thereby.

Although I may expect that the work remaining to be done will be lessened by my being put in possession of the information above required, I am nevertheless of opinion, that it is very desirable that this long delayed business should be speedily dispatched, and would therefore submit that four persons should be engaged for the duty. It will not be possible for me to give his Excellency a perfect idea, or sound information, as to the length of time which may be required for the performance of this duty, so much must depend upon the nature and extent of the work already done, the state of the accounts, and finally, what I may on inspection and due consideration think would be such an examination as shall satisfy the intentions of their Lordships and secure my own responsibility. From experience I have found that the examination of the provision accounts of the station has fully occupied the time of one steady practised clerk during four or five months, to get through one quarter's accounts; I may, therefore, infer that taking into account the less minute examination required for the two years' arrear of provision accounts on the one hand, and the inexperience of the persons likely to be found for the service in the other, that it must occupy three clerks for one year on their examination, while there is also an arrear of two years' dry store accounts to be examined.

As to the mode of remuneration for the services of the persons to be employed, I must beg leave to refer his Excellency to the suggestions of my Lords on that point, having to remark that I think there will be much difficulty in fixing a remuneration with reference to the work done, as it might lead to an ineffectual execution of the work, nor do I see how the amount of remuneration could be fixed upon that plan.

I have, &c.

Captain Hunter,
Assistant Military Secretary.

(signed) *William Hayward,*
Assistant Commissary of Accounts.

Military Secretary's Office, Sydney,
21 Sept. 1833.

Sir,

I HAVE the honour to acknowledge the receipt of your letter dated 6th instant, respecting the examination of certain arrear accounts of the commissariat, and to request you will be pleased to acquaint me, for the information of the Major-general commanding, with the daily rate of pay usually issued here to clerks capable of performing the work now under consideration. If it would take four such clerks one year to finish, some notion may be formed of the total expense to be incurred.

I have further to request you will be pleased to state whether you can recommend clerks for this business, which should be undertaken without further delay.

I have, &c.

William Hayward, Esq.
&c. &c. &c.

(signed) *William Hunter,*
Assistant Military Secretary.

Commissariat of Accounts, Sydney,
3 October, 1833.

Sir,

I WAS honoured in due course with your letter of the 21st September, desiring to be acquainted, for the information of his Excellency the Major-general commanding, with the daily rate of pay usually issued here to clerks capable of the examination of the accounts lately directed by the Treasury to be examined here, as also whether I can recommend competent clerks for this business. The first point may be satisfied by stating that the rates of pay established for temporary clerks in the commissariat in this command, are to

Clerks of 1st class £. 170 per annum.
— 2d — 140 —
— 3d — 110 —

I consider clerks capable of performing the duties in question fully deserving of the highest rate of salary, but as in the progress of the work to be done, some of secondary importance, such as copying, &c. must occur, one clerk might be placed on the establishment at a lower rate of salary; considering also that the employment of these persons would be only temporary, it may be doubted whether any could be engaged at the lowest rate.

Correspondence respecting Examination of Arrear Accounts.

In answer to your second question, I have the honour to state, that although the Treasury instruction for the performance of the work under consideration has been well known here now full three months, I was not able to fix upon persons competent for the duty, nor did any such offer themselves, but as I was unwilling to answer hastily to the point, and being desirous of laying before his Excellency the results of mature and special inquiry, I have, as you will perceive, delayed communicating to you thereon until I could collect further information.

It might have been expected that from amongst the individuals discharged from the commissariat on the reductions of that department, some competent persons might have been selected, but some have left this place or have found other engagements, though by far the greater number of those discharged had filled only subordinate situations, and there is but one, Mr. Todhunter, now offered to me, who is said to be in every way competent and qualified, but unfortunately he has other profitable employment, and informs me that although very desirous of engaging for the service in question, he could not devote the whole of his time to it; the interruptions to which his work would be liable, and the difficulty of fixing a remuneration for the time bestowed on the duty, may probably be viewed by his Excellency as impediments to his appointment.

Another person has been mentioned to me as competent: Mr. Paget, now commandant's clerk at Norfolk Island, is I understand about to leave that situation, and as he has served for many years in the commissariat, it is to be expected that he is acquainted with the accounts of that department; I do not know when he is to return to Sydney, nor what may be his ulterior views.

Two other gentlemen have offered themselves, and are very respectably recommended as men of steadiness and ability, but they are entirely unacquainted with commissariat affairs and accounts; it is obvious therefore that much time would be lost merely in teaching them the duty required.

I have entered into the foregoing detail, that his Excellency may be made aware of the probable expense of the establishment, and the difficulties likely to be experienced in fulfilling the wishes of the Lords of the Treasury, as expressed in their letter respecting the importance of selecting competent persons for the business. It is quite clear, that to form an office of unpractised men would cause a great waste of time; and even if formed of competent persons, I submit that it would be proper that its routine and detail should be directed by a responsible and practised head, and one who could with prudence and judgment conduct such an examination as is desired by their Lordships, for I think it would not be possible for me to give it that fitting attention in those particulars which it would require, considering the heavy duties of my present office, which their Lordships were aware of when they sanctioned an increase to the department, considering also that the new office itself must be remote from me, as there is no room in my office for its accommodation.

I have to add, that I now learn that the accounts under view are much more voluminous than I had contemplated in forming my estimate of the time it might take to examine them, and it appears likely that the examination would require 18 months.

I have, &c.

Captain Hunter,
Assistant Military Secretary.

(signed) *William Hayward*,
Assistant Commissary of Accounts.

Commissariat of Accounts, Sydney, New South Wales,
6 December 1833.

Sir,

Adverting to your letter to me, of 24 December 1832, with its enclosure, dated 3 December, to the officer commanding in this colony, and with respect to the instructions therein given for the formation of an establishment for the examination of certain provision and store accounts of the commissariat, I have the honour to inform you that this subject has engaged my serious attention, and in consequence of the difficulties, I may in truth say, the utter impracticability hitherto experienced in forming any fit establishment for the purpose, I am induced now to report, for the information of the Right honourable the Lords Commissioners of His Majesty's Treasury, the steps that have been taken towards the furtherance of this object.

The enclosed copies of my letters to the Military Secretary of 6 September and 3 October last, I request particular reference to, as containing a detail of the then state of the business, and of the obstacles existing to the formation of the branch office; nothing has since occurred to remove or diminish those obstacles, although I have made every inquiry, and announced my readiness to receive applications. The chief difficulties consist in finding persons such as, having some experience in accounts of the nature under view, could be considered competent to their examination; for I think that a great waste of time, and consequently of money, would ensue from the employment of persons totally unacquainted with the routine of commissariat affairs and accounts, who must first be instructed in the duty, without which no reliance could be placed on their execution of the work: yet my Lords object to the employment of any one who may have been personally concerned in any of the transactions to which the accounts relate.

I now, however, learn that Deputy Commissary-general Laidley has it in contemplation to make some reduction or arrangements in his department about the close of the year; this

this may probably furnish an opportunity of engaging some competent persons, or at least some one capable of directing the routine and detail of the duties; I will have the honour to report further hereupon at the earliest period.

Correspondence respecting Examination of Arrear Accounts.

I have, &c.
(signed) *William Hayward*,
Assistant Commissary of Accounts.

The Secretary to the Right Hon. the Lords Commissioners of His Majesty's Treasury.

Commissariat of Accounts, Sydney, New South Wales,
22 March 1834.

Sir,

I HAD the honour to address you on the 6th December last, by letter, on the subject of the formation of an office for the examination of the arrear accounts of the commissariat at this station, and stated that Deputy Commissary-general Laidley had it then in contemplation to make some reductions in his department; those reductions being about to be carried into effect, I found that I could make the selection of Deputy-assistant Commissary-general Baldy only for the service proposed, and accordingly applied to his Excellency the Major-general commanding for his sanction to the transfer of the present services of Mr. Baldy from the 1st instant, from which day Mr. Laidley consented to dispense with him. Having obtained his Excelleney's approval to this measure, I have appointed Mr. Baldy to the examination of the completed sets of the dry store accounts rendered by Deputy-assistant Commissary-general Kennedy, which is all that can now be undertaken.

Considering that the instructions of the Right honourable the Lords Commissioners of His Majesty's Treasury respecting the formation of an office for the examination of arrear accounts were received by me so long ago as June of last year, and that I have hitherto found it to be quite impossible to form such an office in this place, notwithstanding my best endeavours and the great anxiety this business has given me, I feel it to be my duty frankly to say, that I have no hope of being able to carry their Lordships' instructions into full effect, by the formation of an office for the examination of the provision accounts, and I beg leave to assure you that I feel most sensibly this disappointment of their Lordships' views and expectations.

I have, &c.
(signed) *William Hayward*,
Assist Com.-gen[l] of Accounts.

The Secretary to the Right Hon. the Lords Commissioners of His Majesty's Treasury.

— No. 14. —

EXTRACTS of a MINUTE of the COMMISSIONERS for AUDITING the PUBLIC ACCOUNTS, dated 9 April 1835.

Audit of Public Accounts.

"THE Board are satisfied on an inspection of the statement now before them, and with reference to Mr. Smith's remarks, that the examiners of store and provision accounts cannot proceed with the current accounts, and at the same time bring up the arrears upon which they are now engaged; and the Board deeming it highly important that the examination of the current accounts should not be delayed,

"Ordered,

"That the examiners do immediately proceed on the accounts of the Ionian Islands, Gibraltar, Western Australia, Windward and Leeward Islands, Honduras, Sierra Leone, Gambia, Canada, Nova Scotia, Newfoundland, Bermuda, Mauritius and Cape of Good Hope, from 1 April 1834; on the New South Wales accounts from 1st April 1833.

"And it appearing that the Van Diemen's Land accounts for 1833 and 1834, are not yet received,

"Ordered,

"That a letter be written to the commissary in charge, calling his immediate attention to the delay.

"The Board for the present suspend giving any directions as to the examination of the accounts of Van Diemen's Land for the period to the 21st December 1832, and also as to the accounts of the Rideau Canal, and the Jamaica candle account.

"In case the examiners engaged in these several accounts for current services should be able to spare time for the arrear accounts, they are to proceed upon them as opportunities may occur; and the Board further direct, that on the 1st November next, a statement be prepared and submitted to the Board, showing the progress made in the examination of the current accounts as to each station, with a view of enabling the Board to ascertain whether the examination of the accounts for half a year has been completed within the half year."

Audit of Public Accounts.

STATEMENT relative to the Receipt and Audit of the Cash Accounts of the Commissariat in Australia, Van Diemen's Land and Canada, for the Years 1832 and 1833.

COLONY.	Date of Delivery of Annual Account.	Date of Delivery of Monthly Account.	DATE of AUDIT.	REMARKS.
NEW SOUTH WALES - (1832.)	22 June 1833	At different periods between 1 Jan. and 5 Oct. 1833.	28 April 1835	
Ditto - - - (1 Jan. 1833 to 31 March 1834.)	10 May and 7 Nov. 1834	29 Jan. and 11 Dec. 1834.	- - -	- - Examination completed in April 1835. Queries sent between August 1834 and May 1835, none of which are answered.
VAN DIEMEN'S LAND - (1832.)	4 July 1833	1 April and 8 Oct. 1833.	- - -	- - Examination completed in January 1834. Answers to queries received 6 July 1835. Ready for audit.
Ditto - - - (1 Jan. 1833 to 31 March 1834.)	7 June and 6 Oct. 1834.	25 February and 30 Sept. 1834.	- - -	- - Examination completed in February 1835. Queries sent between August 1834 and March 1835, the greater part of which remain unanswered.
	FIRST ACCOUNT.			
WESTERN AUSTRALIA, (1 Feb. 1832 to 31 March 1833.)	16 May 1833 10 July 1834.	1 Jan. and 7 Nov. 1833.	- - -	- - Examination completed in March 1834. Answers to queries received in June 1835. Account preparing for audit.
Ditto - - - (One year to 31 Mar. 1834.)	10 July 1834, and 13 Oct. 1834.	7 Nov. 1833, and 30 Sept. 1834.	- - -	- - Examination completed in April 1835. Queries sent between June 1834 and April 1835, the greater part of which remain unanswered.
UPPER AND LOWER CANADA - - (1832–33.)	8 April and 15 October 1833.	2 Oct. 1832, and 3 Dec. 1833.	26 Nov. 1834	
Ditto - - - (One year, to 31 Mar. 1834.)	2 July 1834	3 Jan. 1834, and 1 Oct. 1834.	- - -	- - Examination completed on 25 May 1835. Queries settled and ready for accountant. State of account nearly ready for audit, it not being necessary to await the answers to queries.

STATEMENT relative to the Receipt and Audit of the Store Accounts of the Commissariat in Australia, Van Diemen's Land and Canada, for the Years 1832 and 1833.

COLONY and PERIOD OF ACCOUNT.	Date of Delivery of the several Periodical, or Three Monthly Provision and Store Accounts.	DATE of AUDIT.	REMARKS.
NEW SOUTH WALES - (1 Jan. 1832 to 31 March 1833.)	- - At various periods, from 13 February to 3 September 1834.	- - -	- - Examination suspended, agreeable to Minute of the Board, dated 9 April 1835.
Ditto - - - (1 April 1833 to 28 February 1834.)	- - At various periods, from 10 Nov. 1834 to 24 June 1835.	- - -	- - Those from 1 April to 30 Sept. 1833, under examination.
VAN DIEMEN'S LAND, (1 Jan. to 31 Dec 1832.)	- - At various periods, from 20 May 1833 to 16 June 1834.	- - -	- - Examination suspended, agreeable to Minute of the Board, dated 9 April 1835

Audit of Public Accounts.

COLONY and PERIOD OF ACCOUNT.	Date of Delivery of the several Periodical, or Three Monthly Provision and Store Accounts.	DATE of AUDIT.	REMARKS.
VAN DIEMEN'S LAND, (1 Jan. to 31 Dec. 1833.)	Not any as yet received	- - -	- - Directed to be applied for by Minute of the Board, dated 9 April 1835.
WESTERN AUSTRALIA, (1 February 1832 to 31 March 1833.)	- - At various periods, from 3 Sept. 1832 to 16 November 1833.	- - -	- - Examination suspended, agreeable to Minute of the Board, dated 9 April 1835.
Ditto - - - (1 April 1833 to 31 March 1834.)	- - At various periods, from 16 Nov. 1833 to 12 Dec. 1834.		
Ditto - - - (1 April to 31 Dec. 1834.)	- - At various periods, from 12 Dec. 1834 to 23 June 1835.	- - -	- - Those from 1 April to 30 Sept. 1834, will forthwith be taken up for examination.
UPPER AND LOWER CANADA - - (1 Jan. to 31 Dec. 1832.)	- - At various periods, from 25 July 1832 to 24 July 1833.	31 January 1835.	
Ditto - - - (1 January 1833 to 31 March 1834.)	- - At various periods, from 28 Aug. 1833 to 12 Aug. 1834.	- - -	- - Those from 1 January to 31 Dec. 1833 have been examined, but further proceedings suspended, agreeable to Minute of the Board, dated 9 April 1835.

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4. *Papers laid before the Committee.*

1. *Generally:*

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2. *In Canada:*

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2. *New South Wales and Van Diemen's Land.*
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REPORT

FROM THE

SELECT COMMITTEE

ON

CONSULAR ESTABLISHMENT;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
10 *August* 1835.

Veneris, 26° die Junii, 1835.

Ordered,—THAT a Select Committee be appointed to inquire into the Consular Establishment:

And a Committee was appointed of,—

Mr. Hesketh Fleetwood.
Lord Viscount Palmerston.
Lord Viscount Lowther.
Sir James Graham.
Lord Viscount Sandon.
Sir Richard Vyvyan.
Mr. Poulett Thomson.
Mr. Callaghan.
Mr. Robinson.
Mr. Scarlett.
Mr. Hutt.
Mr. Robert Gordon.
Mr. Warburton.
Mr. Ridley Colborne.
Mr. Crawford.
Mr. Stewart Mackenzie.
Sir Michael Shaw Stewart.
Mr. Poulett Scrope.
Doctor Bowring.
Mr. Cutlar Fergusson.
Lord Viscount Mahon.
Sir Stratford Canning.
Mr. John Ponsonby.
Mr. Perronet Thompson.
Mr. Macleod.

Ordered,—THAT the Committee have power to send for Persons, Papers and Records.

Ordered,—THAT Five be the Quorum of the Committee.

Lunæ, 10° *die Augusti*, 1835.

Ordered,—THAT the Committee have power to report the Minutes of Evidence.

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REPORT.

The SELECT COMMITTEE appointed to inquire into the Consular Department, and who were empowered to report their Observations thereupon, together with the MINUTES of the EVIDENCE taken before them to The House;——HAVE, pursuant to the Order of The House, examined the matters to them referred, and have agreed to the following REPORT:

YOUR Committee have had several documents laid before them from the Foreign Office, and amongst the number a copy of the Instructions sent to His Majesty's Consuls resident abroad, which is appended to this Report. The result of their investigations on this subject has led them to the conclusion not only that those Instructions have within the last two years been rendered very full, but that they are well calculated to secure, in many respects, an improved system as regards the whole Department, and further, that some additional advantage may be obtained by an extension of the measure already adopted, of prescribing to the Consuls an uniform plan for the transmission of their returns to the Foreign Office.

That the Civil and Criminal Jurisdiction of British Consuls in the Levant, seems to require to be better regulated and defined, and that Your Committee recommend this subject to the attention of Government, with the view of obtaining from Parliament the necessary powers for that purpose.

Statements have been laid before Your Committee of the reductions which have been from time to time effected in the Salaries and Emoluments received by British Consuls, together with the remonstrances made against such reductions, and they feel themselves warranted in stating that no grounds have been laid before them to justify further reduction; but on the contrary, it is their opinion that the diminution of the total expense could not be carried to a greater extent without detriment to the Public Service.

That Your Committee recommend that the several Consuls stationed at the ports of the Barbary States should, in common with all other Consular Officers, be under the direction of His Majesty's Principal Secretary of State for Foreign Affairs.

That Your Committee are of opinion that the relaxation made in 1832 of the system pursued since 1825, of preventing Consuls from engaging in trade, was beneficial. They are of opinion that many cases may exist in which it is expedient that the functions of Consuls should not be mixed up with commercial transactions in the place where the Consuls reside; but that in many others there seems no objection whatever to Consuls trading, if in consequence the services of a better class of persons can be obtained at a more moderate charge to the Public: Your Committee therefore recommend that no fixed rule upon the subject be laid down, but that the Secretary of State should exercise, as heretofore, his discretion in prohibiting trading to Consuls in certain places, and authorizing it in others.

Your Committee have considered whether any improvement could be made in the nature of the Fund from which Consuls at present receive their Salaries and a proposal was submitted to them for charging a part of their remuneration in places of considerable trade, on the onnage and imports

entering such ports; but upon the whole, Your Committee are of opinion that the mode at present in force, of payment by annual Vote of Parliament, is to be preferred.

That it further appears to Your Committee that the Table of Notarial Fees appended to the Act 6 Geo. IV. c. 87, requires revision, and they recommend this matter to the attention of the Government.

Your Committee further recommend that instructions be sent to all His Majesty's Consuls, requiring them once in every six months at the least, to transmit to the Foreign Office the fullest information which from time to time they can possibly obtain with regard to the agriculture, foreign and domestic trade, manufactures, population, public works, and whatever else may be considered as bearing on the commercial interests of Great Britain, in order that through the agency of those officers a complete body of statistical information may be furnished in the communications above-mentioned, and in such a manner as that their several statements should be brought down to the latest possible date, and that those periodical communications received in the first instance at the Foreign Office, and subsequently handed over to the Board of Trade, be examined under the direction of the President thereof, with a view to having such portions of them printed as that Board shall not deem it inexpedient to make publicly known; and also, that with the view of enabling British Consuls more fully to furnish information connected with trade, as well as for the better and more efficient performance of their other duties, Your Committee recommend that the requisite proceeding be adopted for obliging the masters of all merchant vessels, on entering and quitting port, to wait on the Consul and lay before him his ship's papers, as far as a regulation of this nature can be carried into effect, consistently with the interests of trade.

That your Committee having examined the advantages to be derived from transferring the Consular Department to the Board of Trade, are convinced that such transfer would be inconsistent with the interests of the Public Service, it being in their opinion impossible to separate those functions of the Consuls, which must necessarily refer to the Foreign Office, from their commercial duties, which may be connected more directly with the Board of Trade.

And in conclusion, your Committee have further to recommend that Consuls be relieved from the charge of postage of all documents transmitted to them by the Foreign Office, and for all returns sent by them in pursuance of their Instructions.

10 *August* 1835.

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MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Jovis, 2° die Julii, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

John Bidwell, Esquire, called in; and Examined.

John Bidwell, Esq.

2 July 1835.

1. WHAT situation do you hold?—I am a clerk in the Foreign Office and Superintendent of the Consular Service.

2. In which situation you have been for some time?—Yes; I was appointed superintendent of the consular service in the year 1825. I have been in the Foreign Office since the year 1798.

3. Have you any uniform system prevailing in the consular establishment?—Yes; on the appointment of a consul instructions are given to him, which are framed with reference to the general duties of consuls. If the post to which the consul is appointed has any diplomatic or political functions, special instructions are given to him with regard to the particular points to which his attention is to be directed.

4. Are those instructions printed instructions?—The general consular instructions are printed; the special instructions are not printed.

5. Do you consider it would be desirable to have the whole of the consular establishment under the same department?—Yes; all the consuls are now under the Foreign department, excepting those on the coast of Barbary. The consuls on the coast of Barbary have been, from early times, under the direction of the Home department and the Colonial Office. The duties of the consuls on the coast of Barbary, I believe, are chiefly political; but I cannot speak to them.

6. Do you consider that it is desirable for consuls to have the privilege of trading?—I think generally not. I think that the principle adopted by Mr. Canning in the year 1825 and 1826, of restricting consuls from trading, as a general principle, the best. There were certain exceptions, at particular places, permitted by Mr. Canning.

7. Are there many consuls who are not English?—There are very few, mostly old appointments.

8. Are there many vice-consuls who are foreigners?—There are a great number of vice-consuls who are foreigners; the greater part.

9. Do not you consider that in such cases they have not the same influence in the protection of British property and persons, as they would have if they were not the subjects of the state in which they reside?—Probably not; they receive no salary, and an Englishman cannot in all cases be found to hold the appointment.

10. Do not you consider, in that respect, the efficiency of the system has given way to considerations of economy?—There is no doubt that an efficient consul, with a salary which will enable him to live respectably without trading, would have more weight than a consul with a salary inadequate to his support.

11. Has any inconvenience arisen to the public service or to commerce, from employing persons to be vice-consuls who are natives of the country, instead of sending out persons from England with salaries?—It is difficult to say to what extent inconvenience has resulted, either to the public service or to commerce, in consequence of foreigners being selected as vice-consuls; the vice-consul acts under the immediate direction of the consul within whose district he is stationed. He applies to the consul in all cases of difficulty.

12. Are instructions given to the vice-consuls respecting information, such as to cause them to send it home to this country from themselves, without coming under

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the inspection of the consul?—The vice-consul, in general, is selected by the consul; his name is transmitted to the Secretary of State for approval. If the Secretary of State approves of the individual, the consul is directed to give the vice-consul instructions similar to those which he has himself received from the Secretary of State. The vice-consul, thus instructed, acts under the general supervision of the consul.

13. Does he correspond with the Government at home, or with the consul?—Under his instructions the vice-consul would correspond with the consul; but in special cases with the Foreign Office.

14. To whom is he responsible?—He certainly is responsible to the Government at home. Upon any complaint being made to the Secretary of State, inquiry is instituted; if the complaint is well-founded, the consul is directed to suspend the vice-consul, or dismiss him, as the case may be.

15. Do you consider that the information which is sent home from the vice-consuls would be more efficient if it was directly communicated to the Government at home, than under the present system of passing it under the inspection of the consul?—Generally speaking, I do not think it would. The vice-consul makes his report to the consul of the district, and the consul, an officer holding a commission under the Government, is generally enabled, by his superior information, to judge whether the intelligence which the vice-consul sends is correct or not, and to add his remarks on it.

16. Does he send it all home?—Yes, he sends it all home.

17. In case of any information of pressing importance, would the vice-consul send it home direct?—Certainly.

18. Do not you think that a foreigner, in many instances, under the control of the consul, would have a better opportunity of getting information than he would if he was a British subject sent over from this country?—Certainly, in many instances he would have a better opportunity of getting information.

19. Do not you think, that if you combine with the advantages of local knowledge of the country, the circumstance of the individual being a British subject, he would be more efficient than even a native of the country who is now appointed vice-consul?—Yes, I think he would.

20. Would not a large increase of expense be necessary in that case?—Of course.

21. If consuls be prohibited from trading, should that apply to all cases, or be adopted only where there are British subjects residing, or British merchants or British tonnage, where it exceeds a given number of either of the two first, or a given amount of the latter; that is, in all the large ports, would you consider it desirable to have a British vice-consul, or only in the smaller ones?—In some cases a British resident merchant might be equally efficient as a consul restricted from trading; but in most cases a consul, restricted from trading, would have more influence.

22. Do you consider that to apply to the larger ports?—Yes.

23. What would you consider the rate of salaries at which efficient consuls could be appointed, if prohibited from trading?—That must depend upon the circumstances of the place.

24. Do you consider the present rate of salaries sufficient for having the duties of the situation discharged, with proper advantage to the individual holding it, in such places as they are now prohibited from trading?—In many cases the consuls represent, and have brought forward evidence tending to show, that the salary is quite insufficient for the effectual discharge of the duty.

25. Would the consular duties be more correctly performed were a full and ample code of printed instructions, embracing every known case, or such as might be supposed to occur, prepared for their guidance?—Yes, but it is impossible to frame instructions to meet every contingency; the instructions which the consuls now receive are prepared as nearly as possible to meet all general purposes; and in any particular case, they apply for instructions, and receive them adapted to any such particular case.

26. Are the present tables of fees contained in the 6 Geo. 4, in the 87th chapter, defective?—Yes, the tariff of fees certainly requires to be amended; for instance, the fee for noting a protest is one dollar; for extending a protest, half a dollar. Extending a protest may occupy five sheets of paper; the fee might be fixed

fixed at a dollar a page, or at half a dollar a page, on a scale somewhat similar to those paid to a notary public: by the Consular Act, consuls are notaries public.

27. Would it be desirable to have the immunities, authority and privileges of consuls clearly defined and established, so that the consuls and His Majesty's subjects abroad, and the authorities in foreign countries should understand the course to be adopted by consuls in all cases of wrong, or in seeing that justice is done to Englishmen and to British interests; and where necessary, could not consular treaties be made?—It would be desirable, if it could be accomplished. The British Government has acquired the right of appointing consuls in several foreign countries, by treaty; the general tenor of the stipulation is, (with the exception of the treaties with Turkey, which grant peculiar privileges to British consuls,) that the consuls shall, in the respective countries, enjoy the same privileges as are granted to the consul of the most favoured nation. The state of the law in England will not permit foreign consuls, in this country, to exercise many privileges.

28. Would not much benefit to general trade arise from the consuls and vice-consuls sending home regular reports of the statistics, public improvements, productions, trade, and the progress of science, at the places and districts of their residence, which might annually be published for the information of the public and of Parliament?—They do so now, under their instructions.

29. Is that published?—Many of those reports are printed in the Statistical Tables published by the Board of Trade; a portion of them have been made use of by Mr. M'Culloch in his Dictionary of Commerce.

30. Do you consider that the information now sent home is as full as it can efficiently be made for the benefit of commerce?—I think it is as complete as the consuls are well able to make it.

31. Does it include the arrangements of different countries one with another, and observations upon the increase or decrease of trade of the country where the consul is resident, with other states as well as with England?—Consuls are directed by their instructions to send home copies of any treaties, which the state in which they reside may enter into with any other foreign states, and also to send home copies or extracts of any regulations which may be promulgated in the state in which they reside, relative to trade or commerce, and in short, any information they can obtain bearing upon the subject.

32. Would it be desirable that this information should be diffused generally to any body of commercial men or otherwise, who choose to subscribe for it, so that it might be known through all the commercial towns and places in England?—Within the last two or three years the Board of Trade has established an office to publish statistical tables; and in order to assist that compilation, all such detailed accounts as are received from the consuls are forwarded to the Board of Trade. In the last collection of those tables a great number of reports from the consuls have been published; as all those tables are laid upon the table of the House of Commons, they are of course public.

33. And that information has been of use at the statistical office?—Certainly.

34. Is a list of questions circulated, to which the attention of the consuls and vice-consuls is specifically called?—Yes, a list of 39 queries was framed by the Board of Trade, and sent to His Majesty's consuls; almost all the consuls have reported answers to those queries; some of them are very good; Mr. M'Culloch made great use of them.

35. What are the advantages that an individual receives who acts as consul or vice-consul without salary?—That depends upon the country in which he acts; in some countries very considerable advantages are given to consuls, and a native of the country is very anxious to obtain the appointment, he is exempt from the billeting of soldiers, and from the payment of certain taxes.

36. Does it protect him from vexation?—It does. He is in some measure considered as an English subject.

37. In the case of a person who executes the duty of a consul or vice-consul without salary, does not that indirect sort of remuneration interfere with the best exercise of his official duties?—No, I think not, it rather assists him in the execution of his official duties, by giving him privileges or advantages.

38. And those privileges are not objectionable?—No, so far as the Foreign Office is concerned.

39. You stated that arrangement is made for the periodical correspondence of the consuls with the Foreign Office; is there any arrangement in the Foreign Office

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for periodical reply?—No; each letter as it comes is answered if it requires an answer.

40. Are there not frequent complaints on the part of the consuls abroad of great delay in receiving answers, that in consequence of the great accumulation of business in the Foreign Office, they do not get early replies to communications?—I am not aware of any; sometimes an answer may have been delayed from some cause, but I am not aware that there is any complaint; when any letter requires an answer, it is immediately acted upon.

41. Is not the postage of letters paid by the consuls?—Yes, they pay it themselves.

42. Is not the fact of their paying the postage found a great impediment to communications?—They complain of having to pay postage, but I am not aware that it prevents their writing to the Foreign Office, nor does it prevent any answers being sent to them.

43. Are not documents sometimes sent from the Foreign Office to consuls, which bring with them a heavy charge of postage to the consuls, and has not that been a cause of complaint?—That has been sometimes the case; we endeavour to lessen that charge by writing on thin paper.

44. Are not Parliamentary documents sent?—We do not send Parliamentary documents, unless we have an opportunity of sending them to the consul free. Such documents are made up in packets, and sent to consuls when we have an opportunity of forwarding them free of expense.

45. Are not the returns sent by the consul published as he sends them, without any arrangement under general heads?—They are not published by the Foreign Office, but by the Board of Trade.

46. For instance, one matter of great importance to the commercial world is the progress of manufactures in foreign countries; in any public document, can any statement be found upon that subject?—It is the duty of His Majesty's consul to report to the Foreign Office any new manufacture established in the country, and the progress of such as have been established.

47. Can such facts be found in any documents laid before Parliament or the public?—They are not required for that purpose, they are required for the information of Government.

48. Are the changes of tariffs reported by the consuls?—Yes.

49. Is there any direction given by the Foreign Office, that consuls themselves shall keep tariffs in their own office to be consulted by English traders?—No, I am not aware of any specific instructions to that effect.

50. Do not the consuls also complain very much of the expense of correspondence which individuals address to them as consuls?—Yes, very much.

51. Is it very considerable?—I have understood that it is considerable.

52. There is no allowance for that?—None.

53. You have stated that in some cases it might be desirable that trading should not be allowed to the consuls; but if that were enforced, would not that occasion a large increase in their salaries?—It is obvious that a larger salary must be given to a consul who has no other source of profit.

54. Is it not probable that in many places persons would hardly be found to accept the situations at their present salaries, if they were prohibited from trading?—I believe, at the present moment there are merchants acting as consuls during the absence of the consul in England, who have said that the sum allowed for remuneration is not sufficient, and that it does not answer their purpose to continue to act as consuls.

55. Would not that apply still more strongly to vice-consuls, their salaries being less?—I think not, the duties of vice-consuls being proportionably small. Where there is sufficient duty to occupy a man's time entirely, a consul is appointed.

56. Are not vice-consuls generally traders?—Most of them are allowed to trade.

57. Is it not a fact, that the places at which vice-consuls are stationed, are places with which England has the least commercial intercourse?—Certainly; generally speaking.

58. Is not there a vice-consul at a most important commercial port, Trieste?—There is a vice-consul under the consul-general, who resides partly at Milan and partly at Venice.

59. What is the amount of deduction from the gross allowance to consuls for their

their salaries, for the management of their affairs, and so forth?—All their salaries are paid net. The consuls' salaries are paid at the Treasury, and are paid net.

60. Are not they paid to some agent in London, who deducts something for the management of their affairs?—That is an arrangement of the consul for his own convenience.

61. Might he draw bills?—He cannot draw bills for salary upon the Treasury.

62. In consequence of the impossibility of their directly drawing bills upon the Treasury, is not there frequently delay in the payment of their salaries?—No salary is paid until a certificate is sent from the Foreign Office to the Treasury, stating that the consul was alive at the expiration of the quarter, and had been in the execution of his duties.

63. Do not you think it would be a great convenience if something like the same system were adopted as in the army and the navy for regular periodical payment?—Before the Exchequer was abolished last year, there used to be a considerable delay, in consequence of the forms required by that office. Since the present system has been acted upon by the Treasury, the consuls are paid without much delay. I believe the greater part of them have been paid up to the 31st of March last. No money has been voted by Parliament for consular salaries beyond that period.

64. Will you state the machinery by which their salaries reach their hands?—Soon after the expiration of each quarter, a detailed estimate is prepared at the Foreign Office of the salary due to each consul for the quarter. The estimate is then sent to the Treasury, accompanied by a certificate signed by one of the Under-secretaries of State, stating that the within named consuls were alive on the expiration of the quarter, and had been in the execution of duties during the quarter, or absent on leave, as the case may be. No name is placed in this certificate until after the receipt of letters at the Foreign Office from a consul of a date subsequent to the expiration of the quarter. Upon the receipt of this estimate and certificate at the Treasury, the Lords Commissioners cause the necessary credit and order to be prepared, directing the paymaster of civil services to pay the several salaries.

65. As to the extra charges which consuls sometimes incur, is not there considerable delay in their being reimbursed?—I am not aware of it. With respect to any sum which a consul is authorized to disburse for contingencies, the same instruction which directs him to incur the expenditure, generally authorizes him to draw a bill upon the Treasury for the amount.

66. For instance, such as advancing money to distressed seamen?—He draws immediately upon the Navy Board: if it is for any other civil service, he has permission to draw on the Treasury. All consuls are public accountants; the accounts are sent in annually by the consul after the 31st of December in each year; these accounts pass through the Foreign Office. They are thence sent to the Treasury, to be transmitted to the Audit Office.

67. Are the consuls' emoluments sometimes increased by correspondence with the Revenue Boards?—I am not aware of that.

68. Are you aware that there is a correspondence going on between the consuls and the Boards of Revenue?—There is a correspondence going on between some of His Majesty's consuls and the Customs, with respect to smuggling. I believe that if a consul does give information to the Customs, by which a smuggling transaction is prevented, the consul participates in the bounty which is given by the Customs.

69. Just as any other individual giving information?—Yes.

70. Does that correspondence pass through the Foreign Office?—No. The consul is directed on such subjects to correspond with the secretary of the Customs direct, in order to prevent delay.

71. In estimating the inconveniences of allowing vice-consuls to trade, would you make any distinction between persons who trade on their own bottom, and those who are merely commercial agents?—Yes.

72. You stated that the replies given to the questions sent from the Foreign Office were not periodical; do you mean that with reference to all of them?—With reference to the 39 queries, it was a specific circular; the consuls sent their answers as soon as they could obtain the information. There are certain periodical returns which the consuls are required to make every quarter, and every year.

73. Do you employ as vice-consuls merchants only, or do you employ shopkeepers?—I am not aware of any shopkeeper being employed as vice-consul, but

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I believe that in America many of the most respectable merchants have what are called "stores."

74. Have you a copy of the instructions to the consuls?—I have.

75. What is the date of them?—They have been altered from time to time, and this copy contains the latest corrections. It is dated Sept. 1833.

76. Have the goodness to deliver them in?—

[*The same were delivered in, and read.*]

77. Are those instructions sent to the vice-consuls, and copies of them kept by them as well as the consuls?—They are sent to the vice-consuls, who are appointed by the Secretary of State; the vice-consuls who are appointed by the consuls within the district, receive from the consul extracts or copies of them.

78. Are those instructions open to the inspection of any Englishman at the respective places who chooses to look at them?—There is no instruction to the consul to that effect.

79. Is the consul entitled to a fee on visâ of a passport?—Yes; whenever a consul is required to affix his visâ upon a passport, he is entitled to a fee of half a dollar by the Act of Parliament.

80. It appears that within six months after the appointment of a consul, he is to send an answer to the queries; is he required to send a statement every year as to the alteration of trade?—Whenever an alteration takes place, the consul should report it, and state the effect which it is likely to have upon the trade of the country.

81. Does he send a general view of the trade?—He sends a general view of the trade, accompanied with observations.

82. If he omitted to inform the Foreign Office of any important change, would it be considered a subject of censure?—Certainly.

83. In point of fact, how many consuls have sent returns to those inquiries?—I should say nearly all.

84. For example; the principal port of France is Havre; have such commercial reports been received from thence?—Yes, we receive an annual return from the consul at Havre, made up in the prescribed form. Many of the consuls complain that they find great difficulty in obtaining the full information required by the Foreign Office, and that it occasions expense which is not repaid to them.

85. In the course of the year do the different consuls send home upon the average one statement a-piece, connected with the extent of trade in the respective countries, independent of the corn trade?—They are instructed to send home a general return of trade every year. It is more or less perfect.

86. In point of fact, does a periodical return come from every consul of the state of trade?—There are some consuls who do not make a return, but invariably we write to them, and remind them that the return has not been sent, and desire them to send it.

87. Is the vice-consul equally bound to correspond with the Foreign Office upon matters of statistics as the consul?—If he is a vice-consul who has been appointed by the Secretary of State, he corresponds direct with the Secretary of State, in the same manner as a consul; if he is a vice-consul appointed by the consul, he does not always correspond with the Secretary of State.

88. In those places where there are both consuls and vice-consuls, and where the consul is forbidden to trade, is the vice-consul allowed to trade?—There are not many places where there is a consul and a vice-consul.

89. Does that only happen where the consul is invested with political functions?—Generally, in those cases only.

90. In Egypt, for example?—The vice-consul at Alexandria, is not allowed to trade. In Egypt, there is a consul-general, who is a political agent; there is a consul at Alexandria, who is permitted to trade. The vice-consul, at Alexandria, is also cancelliere, but he is not permitted to trade. A cancelliere is an officer peculiar to the Levant, a sort of registrar, a notary public.

91. With what office does the consul of Egypt correspond?—The Secretary of State for the Foreign Department.

92. With what office do the consuls of Tripoli and Tunis correspond?—The Secretary of State for the Colonies.

93. You mentioned that the consuls in the Barbary States were political consuls, and that they have always corresponded with the Home Office or the Colonial Office; are you aware of any reason for that?—Previously to the division of the office of Secretary of State into the Home Department and the Foreign Department, in the year 1782, the general business of the State was transacted indiscriminately in either office. At the division, the correspondence with the Barbary States was retained by the Home Department.

94. Does it occur to you that there is any inconvenience in those diplomatic consuls corresponding with the Colonial Office instead of with the Foreign Office?—I can give no opinion upon that question.

95. Is it within your knowledge, that any actual inconvenience has occurred?—I am not aware of any specific case of inconvenience.

96. Do the Colonial Office send you duplicates?—Whatever is necessary to be known by the Secretary of State for Foreign Affairs, is communicated by the Colonial Office.

97. Are you aware, that any foreign ambassador has refused to transact business with the Colonial Office concerning those states, conceiving that his business lay with the Foreign Office?—I am not.

98. You have stated that all the consuls made returns in answer to those questions; does there exist as matter of fact at the Foreign Office, or at the Board of Trade, a complete set of the tariffs of the countries with which we trade?—All the tariffs that have been sent to the Foreign Office have been forwarded to the Board of Trade. Duplicates are retained at the Foreign Office.

99. If those tariffs are not to be found at the Board of Trade, have those tariffs been omitted to be sent home?—There may be some tariffs which have been omitted to be sent to the Board of Trade.

100. Upon different occasions, has not the Foreign Office imposed upon the consuls the duty of collecting information upon other points, besides those specified in the 39 queries?—Very often. Such as the information required by the Poor Law Commissioners; a number of queries, probably 50 or 60, with reference "to the customs and institutions, whether general throughout the state in which the consul resides, or peculiar to certain districts, and to relief given," were sent to consuls.

101. Have other queries been submitted to them upon other subjects?—Yes, various other queries; more especially respecting the criminal laws, and the state of agriculture, and the condition of the population.

102. Can you put in copies of the queries sent to the consuls upon those heads?—I can.—(*Three papers given in.*)

103. If any unexpected political event occurred in a state where the consul resided, would he be expected to give information?—It is part of his duty to give every information upon that subject.

104. And he would, in a case of sudden emergency, correspond directly upon political events with the Government here, without sending his despatches through the minister stationed at the court?—He would.

105. But he would be bound also to send copies of his communications to the minister stationed at the court?—Yes.

106. Is not a minister empowered to call upon a consul for any information which he requires?—Yes, it is a part of his duty to answer any question, or to attend to any instruction from His Majesty's minister, at the court of the country.

107. Are there not separate instructions with regard to contagious disorders?—Several have been issued.

Jovis, 16° die Julii, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

James Henderson, Esq. called in; and Examined.

James Henderson, Esq.

16 July 1835.

108. WILL you state the situations you have held connected with the consulate?—I was His Majesty's Consul-general at Bogota, in the state of Colombia.

109. From the observations you have been enabled to make, have the alterations which from time to time were made in the consular system such as to accommodate its working to the modern state of commerce, and the existing political relations of this country with foreign states?—I think that the change from the system established by the late Mr. Canning, of consuls receiving a permanent salary and being prohibited from trading, to that of being allowed to trade, and receiving a diminished salary, has been prejudicial to the commercial interests of this country.

110. Do you consider the complaints upon the subject, proceeding from commercial men, such as to justify an extensive revisal of the system?—Yes, I think so; and I have generally understood from commercial men that they would rather contribute something to a fund for the payment of His Majesty's consuls, than be subject to the collision and competition that would arise between the regular merchants and the consular merchant.

111. Do you think the fact, if assumed, of persons being willing to take the situation of consul without salary, a proof that such situations could be efficiently filled up at a less charge to this country, or would not the establishment of a good system more than counterbalance the saving of the expense?—I think that the consular merchant loses a great deal of his importance with the public authorities in a foreign port, from the circumstance of his constantly trafficking in the public stores and warehouses; and I think any saving of public expenditure would be greatly overbalanced by the inefficiency of the consul, were he a merchant acting without salary.

112. Have not foreign merchants been rather willing to pay a portion of the consulate expenses themselves than that the consul should be at liberty to trade?—I remember, when I was in Brazil, the merchants of Rio Janeiro paid a percentage on imports and exports, and had previously submitted to Lord Londonderry their willingness to contribute a certain per-centage, to enable the consuls to maintain a respectable appearance, and rather than they should be allowed to engage in trade.

113. What reason did they assign for it?—Because the consul, being a merchant, would interfere with their commercial interests, and have an advantage over them in obtaining earlier information, on which he might operate to the prejudice of the merchant.

114. Independently of that, you consider they lose their weight with the foreign state by being merchants?—I think so, and I will give you an instance. The American consuls I have met with in foreign ports have frequently stated to me that the British consul, being a paid officer and independent of trade, was always attended to before them, and had much more influence with the local authorities than the American consuls.

115. Have the American consuls any salary?—I believe not any, or very small salaries.

116. You do not speak positively?—The American consuls-general have salaries, but the consuls hitherto have not; but it is in contemplation to make the American consuls salaried officers, and to prohibit them from trading.

117. Do you know whether it often occurs that the consuls obtain loans from merchants when in trade, and are by those means placed under obligation to them?—I have not had an opportunity of knowing a case of that sort; but consuls, from their limited salaries, are often placed in difficulties, and obliged to take loans for their private necessities from merchants.

118. Have the British consuls formerly been active and vigilant in calling the attention of the Government at home to the provisions and treaties between continental

tinental powers themselves, and also those treaties affecting the commerce of this country?—It is clearly the duty of the consul to report to His Majesty's Government on all treaties entered into at his place of residence.

119. Do you speak, for instance, of the position of the consuls in South America, where they are diplomatic agents, and exercise very different functions from consuls where we have an ambassador or minister?—I believe where there are diplomatic functionaries, they generally report to the Government relative to all treaties.

120. Are you speaking of your own views as to the South American consulships, or generally?—I believe the instructions apply generally to all consuls.

121. Is each consul or vice-consul furnished with a compendium of all such statutes, orders in council, and treaties, or parts of treaties, that may be requisite for his guidance?—Yes; they are supplied with the volumes of treaties published by Mr. Hertslet, and all orders in council relating to trade.

122. Is there any previous education or set of qualifications which you would think a consul ought to be possessed of?—I think it would be very desirable, as far as practicable, if they had previous service as vice-consuls or attachés, for the purpose of fitting them for higher situations.

123. More than they have now?—Yes, I think so; I believe the French have a system of bringing forward young men in the consular department, and attaching them to consuls abroad.

124. You think a similar preparation to that would be desirable?—I think very desirable.

125. What is your opinion with respect to the expediency of transferring the superintendence of the consular office from the Foreign Office to the Board of Trade?—I feel that there would be great difficulty in that arrangement, as consuls are frequently instructed to correspond upon political subjects, and to give political information.

126. Do you consider it would be desirable for the consul, when diplomatic services were required of him, to act in two capacities, and to furnish information under the respective heads to the two different departments of the Government?—He might certainly correspond with the Board of Trade on all commercial matters, and on diplomatic questions with the Foreign Office, but the difficulty would be, that out of many commercial matters questions of diplomacy arise; and the point requiring consular intercession, although purely commercial, is so amalgamated with the political relations of the two states, that they cannot be easily separated.

127. Do you not think that a great share of the importance and weight of British consuls at foreign ports arises from their corresponding directly with the Foreign Office in this country?—No doubt of it.

128. Do you consider that the consular situations in South America were infinitely more diplomatic than commercial?—Yes, they have been hitherto so, especially as regards the consuls-general.

129. But the whole of the salaries are paid out of the consulate fund?—By the Treasury, out of the grants of Parliament.

130. Not from the diplomatic branch?—No.

131. What do you consider to be the duties of a consul?—I consider the duties of a consul to be to protect the interests of British commerce, and the interests of His Majesty's subjects abroad, in every shape in which they may stand justly in need of his protection and support.

132. Have you any papers you wish to deliver in?—Yes.

[*The Witness delivers in a Pamphlet, &c. as follows:*]

SUGGESTIONS relative to levying a small Contribution on Foreign Trade, to form a Fund for the Payment of His Majesty's Consuls, with a view of relieving the Public Revenue from any Charge whatever for their Salaries, &c. &c. By Mr. *Henderson*, F.R.S., late His Majesty's Consul-general in Colombia; Author of an Historical, Geographical and Commercial Account of Brazil; of Observations on the Expediency of entering into Treaties of Commerce with the South American Republics; of an Address to the South Americans and Mexicans; and of a Pamphlet on the Warehousing Bill. 1833.

THE general expression in Parliament, from the peculiar circumstances of the country, of a feeling against the grants of monies for the due support of His Majesty's consular corps, necessarily led to the contemplation of the curtailment of their salaries; and in many

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instances reductions have actually taken place which must tend to render the performance of the duties of that service less efficient, while the individuals thus reduced in their incomes have to contend with undiminished expenditure in the maintenance of their stations abroad. The wealth, prosperity, power and even standing of the British empire depend on the continuance of a full and efficient protection of its trade in foreign ports. Not being dependent, as formerly, on trade for the support of their consular stations, the consuls have not only been free from any prejudicial collision of interests with the merchants, but have stood upon much more elevated ground with the authorities, in advocating the rights of His Majesty's subjects, and seeking redress for injuries sustained by them. Indeed much of the recent and general augmentation of our foreign commerce must be attributed to the greater degree of independence and respectability given in later years to the character and condition of His Majesty's consuls.

There are no persons who better understand the advantage and importance of His Majesty's consuls being placed in a respectable situation, than the British merchants abroad; their interests are, in fact, so closely connected with the maintenance of an independent and efficient bearing on the part of the consuls, that they would, it may be confidently stated, contribute something rather than see those on whom they rely for protection deprived of the means of an honourable subsistence. It has been publicly alleged, and insinuations, no doubt, have been made at the Foreign Office by persons manifestly uninformed and wanting in all practical knowledge of the subject, that the allowances to His Majesty's consuls, particularly in South America, have been on too high a scale. The fallacy of such statements, as regards the latter country, will be best controverted by facts; the most prominent one of which is, that His Majesty's agents, who have been residing there for the last 10 years, are in general labouring under embarrassment, from the unavoidable large expenditure in supporting establishments which, although upon a moderate footing, exceed the amount of their salaries; and an appeal may safely be made to those individuals for the confirmation of the fact, most of them being now poorer than when they undertook their appointments. They are nearly all more or less under obligations to merchants for pecuniary aid. It may suffice to mention one or two circumstances to show how this can scarcely be otherwise. In the first place, the consuls must have a house for their residence and the establishment of an office. The influx of foreigners into Southern America, and the absence of public spirit for building houses, have rendered a positive scarcity of them, and it is necessary to pay, for a residence of a very medium kind, from 200 *l.* to 250 *l.* and 300 *l.* a year; indeed near 400 *l.* a year has been paid by one of His Majesty's agents for a house of an ordinary description. It is quite impossible to avoid incurring a very serious charge under this head. In the next place, it is necessary to keep three times as many servants as in England, at higher wages, and no effort can do away with this custom of the country. The native people have their slaves, and invariably keep about them many attendants; but this they can do at much less expense than foreigners. Without entering into further details, one other fact may be stated which no argument can subvert; viz. that a dollar in South America appears to be held in the same estimation as 1 *s.* in England. The late consul at Guayaquil complained on various occasions that he could not maintain himself on his salary, and that he was under the necessity of drawing annually on private funds. This fact was fully confirmed by his vice-consul, when he acted as pro-consul. He is a young unmarried gentleman of most economical and prudent habits, and kept an exact account of every item of his expenditure, which was regulated on the most moderate scale; but in spite of the utmost economy (of course including his wearing apparel and other private and necessary expenses), it surpassed the 1,000 *l.* a year allowed to him for acting as consul; and he actually had to obtain assistance from his friends to pay his extra expenses in supporting His Majesty's consulate at Guayaquil. If the protection of our large and increasing foreign interests render the establishment of consuls in foreign ports unavoidable and of the highest importance, it cannot be expected that they are to support the honour and dignity of their stations without adequate means, and without some prospect of a little provision for old age, after a life spent in foreign and unhealthy countries.

Persons, no doubt, may be found to enter on the functions of these appointments at reduced salaries, but embarrassment would soon bring them into disrepute, to the prejudice of British interests; and the Foreign Department would speedily be assailed with memorials as to the inadequacy of their allowances, &c. It becomes, therefore, an important consideration whether or not it be advantageous and necessary to the support and promotion of one of our great interests, that the consular corps should at once be placed on a permanent and respectable footing. Vacillation in the system, and uncertainty with respect to their means of support, must not only be attended by personal distress to individuals who give up everything at home to obtain a supposed certainty, by submitting to foreign deprivations for the public service; but must be very detrimental to that commerce which constantly requires the undivided watchfulness and attention of persons who, to perform that well, must be placed and continued in independent circumstances. It has been alleged by some individuals of importance and weight, that a return to merchants for the management of the consular duties would, because of a trifling economizing of the public revenue, be advantageous and desirable. A better acquaintance with the subject would produce a conviction of the very contrary nature. It may be stated, with the certainty of being supported by every British merchant who has resided in a foreign port and has acquired a practical knowledge of the matter, that a consular merchant would only lead to a state of constant broil, jealousy and collision of interests, that

that would produce infinitely more injury to commerce than the petty advantage of the public saving contemplated by the change. The consular merchant would become the monopolizer of all the commercial advantages of the port of his residence. A continued course of ill-will and dispute would prevail between him and his fellow merchants, who would never consider their interests or claims well attended to by him, as his own commercial interests would, at all rates, be alleged to engage his best and first official efforts. He would have the unfair advantage of first perusing the manifests of cargoes arriving in the port of his residence, and could, if it suited his interests, secretly effect the sale of any merchandize in his store of which a redundant supply might appear in the manifests; he would thus, from the early information of his office, destroy the market for those whose interests alone he should be there impartially to protect. It may be supposed, among a thousand similar instances which would occur, that the importations of a British merchant were unfairly detained by the authorities of the place, and redress only to be obtained through the consul; and that it suited the commercial dealings of that person to be lukewarm in his applications for the release of the merchandize detained. Indeed, although he might assume all the semblance of activity, or really exert himself to the utmost, the suffering merchant would attribute the slightest delay to want of energy in the consul; and thus incessant bickerings and disputes would occur with that officer, which would contribute to lower, in the estimation of the authorities, his official reputation, already diminished in consequence of being a merchant.

The system of the United States, in employing merchants without salaries for consuls, has been put forth as worthy of imitation by this country. It cannot be known to persons giving such counsel that there is scarcely a more inefficient consular service than that of the United States. Their consulates are frequently served by very incompetent individuals, and are generally regarded by the authorities with indifference from the very circumstance of their being dealers. The diplomatic agents of the United States are in the habit of remarking that few respectable persons can be found to become consuls under their system, but that such appointments are often obtained by adventurers proceeding to distant foreign ports.

There are, of course, some exceptions, and even those persons who are respectable are fully sensible of the great disadvantages of their consular system; and many of that class have declared that His Majesty's consuls are always attended to before the American consuls, and can accomplish things which it is in vain for the latter to attempt. This is attributed to the heretofore respectable and independent situation and character of the British consuls; while the American consuls, from their dependance on trade and their daily traffic in stores and at the Custom-house, lose that importance which should attach to their official stations.

Many of the influential people of the United States, as well as the consuls, have for some time presented memorials to the Congress urging the necessity of ameliorating their consular system; and those representations have induced the President to allude to the subject in his last message to the Congress. These circumstances are stated to show that the system so strongly recommended to our imitation is about to be abandoned by the Americans.

A person actuated by any other feeling but a desire for the establishment of the consular corps on a principle that is to forward and efficiently protect the extensive foreign trade of England, would be glad to undertake the consul-generalship or consulate of any great commercial port, without any salary, on condition of being allowed to trade; he would be certain of acquiring riches, as a connexion with him would be sought by merchants trading to the place of his appointment, from the certainty of his official situation securing advantages over all other merchants established there. The foreign merchants, it may be inferred, would voluntarily assent to a contribution on their dealings for the maintenance of consuls in respectable circumstances, to avoid so dangerous a competition as would arise with a consular merchant.

The present necessity for public retrenchment renders some expedient desirable for the purpose of avoiding so unfortunate an alternative as reducing the consuls to such a condition as to prevent their efficiently performing those duties which are so essential to one of the first branches of the wealth and importance of this empire. It is assuredly the most natural mode of remunerating the consuls, to draw their support from the very interests and body they are destined to protect. If British merchants residing in foreign ports consider the protection of consuls necessary (and their various petitions to Parliament prove that they do), they can have no objection to contribute to a fund for the due support of those consuls. Indeed it may be confidently expected that the merchants would not be averse to this proposition, particularly as they do not in general consider the consuls overpaid. In support of which a letter may be referred to, written by a large body of them at Rio de Janeiro to the late Lord Castlereagh, when his Lordship had directed a reduction to be made in Mr. Chamberlain's large income. The letter runs thus: "The appointment being one which requires to be supported with a certain respectability, and which cannot be done in this country without great expense, we consider the sum directed to be allowed (near 4,000 *l.* a year) by your Lordship out of the contribution fund as inadequate; for we do not think it reasonable that a consul-general should sacrifice his health and comforts in so distant and expensive a country for the sake of a mere subsistence, without being able to reserve some provision for the future."

For two centuries the consuls of the Levant Company were paid out of a fund voluntarily established by the merchants themselves, and raised by a collection of one per cent. on all

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imports and exports at the places where the consuls resided. For many years His Majesty's consuls were supported in the Brazils by a contribution on the part of the British merchants trading in that country of one half per cent. on all imports and exports at the ports of Brazil. The merchants even suggested, and voluntarily laid a per-centage on their trade, to provide the means of a very liberal scale of remuneration for the consuls, so as to make it unnecessary for them to enter into trade, and to enable them to live respectably, as well as to save something for hereafter. No opposition would ever have arisen to this arrangement but from the income of the consul-general at Rio de Janeiro becoming excessive, and from some personal differences having occurred between him and a few of the merchants. Those latter, merely on that account, got up an opposition against another party of merchants (a much larger party) who supported the consul-general. The opposition memorials were entrusted to a Member of Parliament, and thus an outcry was raised against a system which, although perfectly just and unobjectionable in principle, was left open for attack in consequence of its not being duly regulated.

If then the merchants of the Levant paid one per cent. on all their imports and exports, and the merchants in Brazil paid one-half per cent. on their trade, for remunerating the consuls, and those measures were voluntarily adopted by both, it may with great confidence be suggested that one quarter per cent., or ultimately only one-eighth per cent., would be willingly contributed on all trade in British vessels at the ports of Europe, Asia, Africa and America, where British Consuls are established, for the purpose of forming a fund for the due and liberal support of that body.

In order that the consuls may be quite independent of the merchants, and be enabled to perform their duties honourably and impartially in behalf of their countrymen, without the possibility of any unpleasant collision of feeling, or cause for dispute between them, it is absolutely requisite that an Act of Parliament should be passed for the distinct and clear regulation of everything connected with this contribution, the collection of which being authorized by a legislative enactment, every objection to a ready and due compliance with it would be silenced. Such a contribution on trade for this great object would be attended with the leading and important advantage of falling on the consumers in foreign countries, and really make no difference to the British merchant. For example, the duties levied in Mexico may be 25 per cent., in Colombia 12 and in Peru 20, on the same article; so that the British merchant calculates in these respective countries the amount of duties and all other charges, before he fixes the price of his commodity to the native dealer; and thus the addition of one-quarter or one-eighth per cent. for a consular fund would be paid by the consumer, while so trifling a shade of advance in the value of the article would be scarcely observable, and would be far from affording encouragement to any competition adverse to British interests.

In calculating the amount of the fund that would be receivable under this contribution, the official returns of trade will be taken, although they are no criterion of the extent of British commerce, especially as regards South America. For instance, the official returns of our exports to Mexico and Spanish South America estimate that trade at five to six millions, while it may be taken at 10 to 12 millions sterling a year. The consumption of British goods in Colombia is estimated by the returns about 300,000 *l.*, and it cannot be less than 1,500,000 *l.* annually. In fact it may be said that the trade of Colombia is almost entirely British, for there scarcely is a remote village in the Andes that does not use English manufactures. More than one-half of our trade with South America is indirect, and therefore not included in the official returns. The dealers in those countries, now as formerly, obtain their goods (British) from the West India Islands, and Honduras, and which are not often imported in British vessels. Besides, large quantities of our manufactures are introduced by American, Dutch and other vessels, so that no returns are given of that trade or of the actual consumption in those countries of British goods. A trade of such an extent, direct or indirect, demands the fullest protection, for as old customs wear off, that trade will gradually change into a direct one, and its importance then become more manifest, while it would aid in reducing the rate of contribution to the consular fund.

It would be desirable for the Act of Parliament to contain a condition that all foreign vessels should be placed on the same footing as English vessels, in regard to the payment of the consular per-centage; that is, foreign vessels clearing with produce at the place of the residence of a British consul, for an English port, should pay the consulage. If the foreign vessel objected, the payment might be insisted upon on its entrance into our ports; this regulation would have the effect, moreover, of gradually transferring such freights from a foreign to an English vessel. The following is an estimate of the consular expenditure, on the scale of the allowances for the year 1829, as many consulates have since been abolished, which the course of trade and further experience might show the necessity of re-establishing. The Barbary consuls are included, in order that the whole consular corps might come under one uniform arrangement:

Consuls-general, Consuls, &c., in Europe - - -	£. 50,000
Ditto - ditto - in the Levant - -	11,000
Ditto - ditto - in the Americas - -	32,000
Ditto - ditto - in Barbary - - -	11,500
Ditto - ditto - in Greece - - -	6,500
Carried forward - - -	£111,000

Brought forward - - -	£. 111,000
Vice-consuls, Chaplains, Chapels, Hospitals, and other contingent expenses - - - - - - -	18,000
Superannuations, allowances, &c. - - - -	8,000
	£. 137,000

The estimate of the contribution may be taken as under, but the valuations at foreign ports being much higher than the returns of our exportations, it is probable that one-eighth per cent. on the trade will be found sufficient for this fund.

Imports at all foreign ports in British vessels -	£. 32,000,000
Exports from ditto - ditto - - -	20,000,000
Exports from ditto to British ports in foreign vessels	8,000,000
	£. 60,000,000

One quarter per cent. contribution on 60 millions sterling is equal to 150,000 *l.*, and thus an ample sum would be obtained to place the consular service on the most respectable and efficient footing, without the necessity of the consuls engaging in trade. Provision should be made out of the fund for the conveyance of consuls to and from their ports when on the public service.

Likewise, on the abolition of offices, an adequate allowance should be made to consuls until re-employed, otherwise few competent persons will be found to give up every other pursuit to proceed to distant countries with the risk of being turned adrift at any moment by the abolition of office without the least remuneration. The fund thus raised would entirely relieve the public revenue of England from any charges on account of consuls. A further saving might, if deemed expedient, be made as regards diplomatic missions to South America, because our relations with those countries being almost wholly of a commercial nature, they might be conducted by consuls-general.

The merchants at Rio Janeiro suggested to Lord Castlereagh that it would be proper for the consuls to have some interest in seeing the consular contributions duly levied, and it would be only just to grant a per-centage on their collections, in addition to the fixed salaries appropriated to them.

A register should be kept at the consular offices of the contributions collected, and duly certified returns made every three or six months to the British Government. Towards the maintenance of the consular offices, as formerly, a well-defined system of notarial fees should be provided for. Part of these in fairness should be made to fall on the ship-owners, which might be divided into six classifications: for example, a vessel that could perform six voyages a year to any contiguous port, should pay six times less than a vessel that could perform only one voyage in the year to a distant port, and so on in the same proportion.

It would be highly beneficial to the service were the consuls furnished with a minute and general code of printed instructions (independently of the usual written instructions) to elucidate all the parts of their public duty, and prevent the commission of involuntary error, which not unfrequently occurs from a doubt in many cases of the course that should be taken.

It would likewise be of great public utility if the consuls were directed to make periodical reports as to all the productions connected with trade or science, and of public improvements within their consulates, as well as to furnish all other minute details calculated to convey a correct view to the Government or to Parliament, if required, of the true state, condition and resources of every foreign country.

133. Have you any other document you wish to put in?—In furtherance of the same object here are some suggestions with respect to a Bill for regulating the consular service, which I wish to deliver in.

[*The Witness delivered in the same, as follows:*]

SKETCH, which might form part of a Plan or Bill for regulating the Duties, Salaries, Funds, Pensions, Provisional Allowances, Leave of Absence, and other Matters connected with the Consular Service.

1. THE consular system to be established on an uniform principle, for the protection of British subjects abroad, for the promotion and due support of commerce, and British interests generally.

2. The consuls not to be engaged in trade in places where British subjects reside, where British trading houses exist, or where tons of shipping annually arrive, in order to prevent the jealousy and angry collision which a spirit of competition would engender between the consular and other merchants; to remove the suspicion of the former enjoying unfair advantages from his official situation, and to give the consuls more weight in supporting the rights of His Majesty's subjects.

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3. That consuls may devote their undivided attention and energies thoroughly and cheerfully to the advancement of the great and increasing trade of this country, their salaries to be placed on a liberal footing, with such proportionable additions as the comparative degrees of the increased expense of living may require at their respective residences. Thus, with the exercise of due prudence, they would be saved from pecuniary embarrassment, and have a trifling reserve for old age, (beyond the amount of pension to which they may be entitled,) after spending the prime of life on the public service in distant countries, and often with many and severe privations.

4. That a code of printed instructions and regulations, of the most full and ample kind, be prepared for the guidance of consuls in every possible case that might be supposed to occur, to save them from falling into involuntary error.

5. That a table of fees be established, providing for the full range of all official services, notarial or otherwise; the tables A. and B. in Act 6 Geo. 4, c. 87, leaving many cases unprovided for.

6. That as all His Majesty's public employés in the offices at home, on receiving occasional leave of absence, enjoy the full amount of their salaries, while a consul who returns on leave from a distant clime, perhaps to recruit his health, is deprived of one half or more of his salary, the same privilege in justice be extended to the consular corps, when leave is granted by His Majesty's Government.

7. That an uniform and equitable plan of pensions be established for His Majesty's retired consuls-general, consuls and vice-consuls.

8. That as the Act 3 Geo. 4, c. 113, providing for compensation on abolition of office, although unrepealed, is not generally applied, it is necessary to establish some equal scale of provisional allowance to be granted to His Majesty's consuls-general, consuls, and vice-consuls until re-employed, in the event of the abolition of their offices, or their recall, from any reason whatever, war or otherwise, excepting misconduct.

9. That the immunities, authority, and privileges of consuls be clearly defined and established, by treaty if necessary, as is the case between several powers; in order to avoid any misunderstanding, abuse, or denial in foreign states, as sometimes occurs, particularly in the new republics of America, of the authority which consuls are entitled to exercise towards British subjects, and as regards their claims, and in procuring for them the due administration of justice in the countries where they reside.

10. That consuls transmit to the Foreign Office every three or six months, reports as to the commerce, resources, statistics, science, public improvements and other matters of interest within their consulates.

11. That to provide a consular fund from which the salaries of the consuls and other charges connected with the service could be drawn, one eighth per cent. or one quarter per cent., by Act of Parliament, be levied on all imports and exports by British vessels to or from foreign ports, and on all foreign vessels bringing cargoes from a foreign to a British port.

12. That the consuls receive a small per-centage on the fund, in order to secure to them an interest in seeing the consular contributions duly levied.

13. That the consuls, when on the public service, be conveyed free of expense to and from their posts.

14. That the relative rank between consuls and naval officers be regulated by an Act.

15. That it would be desirable for consuls, as far as practicable, to have seen some service in the consular department before undertaking the duties of a consulate; or that elèves should be prepared for that service by acting first as vice-consuls or attachés.

Mr. Henderson begs to annex an extract from a communication made by the secretary of state to the United States' Congress, in corroboration of the preceding suggestions in reference to consuls being merchants.

The American secretary of state says that he "cannot avoid expressing the opinion that the consuls, like all other officers, should be compensated by adequate salaries, and should be prevented from engaging in commerce.

"They are," he says, "at present commission merchants; anxious, like all other merchants, to increase their business and obtain consignments.

"In most cases the situation is sought for chiefly for the influence it will give to extend the commercial affairs of the consul. Can it be believed," he says, "that this official influence will always be properly exercised? When it is, will not contrary suspicions be entertained? This must create jealousy, detraction and all the arts that rivalship will exercise and provoke; amidst which the dignity of the public officer is degraded, and his influence with the foreign functionaries lost. The consuls at least, if not the vice-consuls, ought to be salaried officers. They will never, then, by their countrymen be suspected of acting towards them as their commercial interests, not as their duty requires; and then complaints on behalf of their fellow citizens will be attended to, because they will not be liable to the suspicion of advocating their own interests. Consular

sular offices would no longer be held in counting-houses, nor the consul himself called from defending the case of an injured American citizen to sell a barrel of sugar or to despatch the settlement of an account." He says, that "payment of salaries should be accompanied by a prohibition of any interest in trade, with clear definitions of official duty. These offices would then be filled, as they ought to be, by men of talent, education and respectability of character; who would be the protectors, not the rivals of our merchants; who would command the respect of the functionaries of the ports in which they reside, do honour to our national character, and whose whole time would be devoted to the duties of their office."

134. Do you think in some cases, or in any, that merchants trading on their own account should be consuls?—I do not think generally that they should.

135. In any small place?—I think where a certain number of British merchants are established, and a certain number of British subjects are resident, and a given quantity of tonnage arrives, that is, in the event of either arriving at a fixed maximum, there ought to be a consul who is not a merchant; a merchant might act in a small place.

136. Do you think that fees should constitute the whole remuneration or a salary, or partly one and partly the other?—Partly the one and partly the other.

137. Would you have any fees?—Notarial fees, in addition to the salary.

138. Notarial fees are unconnected with commerce?—They may be.

139. Might the supply of statistical information upon this subject be rendered more perfect and complete?—I think that probably it might; I think there is a great amount of British trade goes to foreign ports in foreign vessels, of which it would be desirable to ascertain the amount, and particularly in the South American states.

140. Was that list of instructions, or one similar, furnished to you at the time you were consul?—No, that has been a subsequent arrangement; there were general instructions, but those comprise many additional instructions issued by Lord Palmerston.

141. What year was it you ceased to be consul?—In the year 1831.

142. Have you got a list of the instructions that you have received?—No, my official papers were given up at Bogota, on the abolition of my office.

143. Do you think that British consuls or vice-consuls should in all cases be British subjects?—In some instances foreigners, I think, if a British subject could not be found, might act provisionally as vice-consuls, in very small places, where it was not worth the while to have a British vice-consul, and where a British vessel might accidentally and occasionally arrive.

144. Do you consider that the remuneration for skill and knowledge ought to be treated in a different item from the expenses incident to the locality where the consul is residing?—I think if a scale of salaries is fixed, an additional one ought to be made, regulated by the extent of the expenses at the respective residences of the consuls.

145. Are you prepared to suggest to the Committee any improved plans upon that subject?—I have submitted the ground-work, according to my humble opinion, of a consular plan or bill, in the paper I have given in.

146. Is there in that paper any suggestion as to the proportion of allowance?—Yes, I have noticed that.

147. Do you think it desirable that vice-consuls or consuls should send home, at stated periods, to whatever authority is considered the proper Board to send them to, returns of trade and observations made by the consul?—I think every half year reports should be made.

148. Have you any observations to make respecting the hours of official attendance?—No, I think that the consul ought, if required, to give his attention to the interests of British commerce at all times, if it is necessary; I think nothing should prevent him giving assistance, if it were urgent, at any hour.

149. Is he bound by his instructions to do so?—I believe he has no particular instructions upon that point.

150. Would you hold it a dereliction of duty if he did not?—Certainly, if British interests suffered by it, and any detention arose to a vessel.

151. Are there regular official hours?—Yes.

152. Are those uniform?—No, it depends a good deal upon the arrangements of the consul at the place where he resides.

153. In what manner are the complaints inquired into connected with the consuls?—

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suls?—Complaints made by the merchants or other individuals who have suffered by them, are reported to the Foreign Office, and of course they are amenable to that department.

154. Is there any diary directed to be kept by the consul of any general occurrences in trade?—They are directed to report upon trade, but they are not instructed to keep any regular daily account; there is no special instruction for that.

155. Were you in the habit of sending home regular answers to the then list of instructions that were sent out?—Certainly, always.

156. In all cases?—Yes.

157. I understood you to state you were not quite certain whether the American consuls were paid by very small salaries, or had no salaries at all?—They used to receive no salary, but merely the appointment for the sake of the advantages it conferred on them as traders.

158. Can you state how that system appears to work in foreign ports?—The Americans themselves say it works very badly, so much so, that they are going to alter it.

159. Their consuls are not restricted from trading?—No.

160. Have you seen yourself, or heard from good authority, the practical effect of the leave given to consuls to trade?—I have heard it from several of the leading merchants in Liverpool.

161. It tends to weaken their respectability?—Not only to weaken their respectability, but to give them great advantage over the other merchants, and it leads to disputes, and the collision of the consular merchants with the regular merchants. For instance, if a consular merchant has a case of difficulty with the government, and another merchant a similar one, the merchant will always imagine that the consul will attend to his own interests in the first instance.

162. Would not that apply to vice-consuls?—Yes, in places of large trade; but where a vice-consul is stationed, there are generally very few merchants residing.

163. Do you think that among the British merchants residing at the South American ports, there is any very strong feeling against consuls being allowed to trade?—I have heard them express that feeling. Notwithstanding, merchants generally would be desirous to become consuls.

164. The merchants have a very strong feeling upon the subject?—Yes, and there have been representations from them to the Government.

165. Can you form an opinion of the minimum of salary to be allowed to a consul in case he is prohibited from trading?—The consuls of South America, though apparently they have had large salaries, have found them inadequate to the expenses of the country.

166. Some consulships are more expensive than others, Panama for instance?—Yes, and Guayaquil, and the capitals of the South American states.

167. Do you conceive that it would occasion a large increase of salary if they were prohibited from trading?—No, I do not think it would in South America; I think that the salary of the consuls in South America ought not to be less than from 1,200*l.* to 1,300*l.* a year.

168. Any consul in South America?—Yes.

169. The income at present is far inferior to that, is it not?—It is 1,000*l.* where they are prohibited from trading.

170. Though there may be strong objections to their being allowed to trade, is there not this advantage, that it insures you a person acquainted with trade, and cognizant of business?—Yes, no doubt he is cognizant of the course of trade and commerce; but it might be suspected that he might protect his own interest before that of other merchants.

171. When his interests and that of other merchants went in the same channel, they would have a better person to protect them?—I will suppose that a vessel arrives, and that the consular merchant had first the advantage of looking at the manifest and papers, by which he would ascertain perhaps the description of goods imported. If there were a redundancy of any particular article in the cargo, he would have an opportunity of secretly giving instructions to his partner to dispose of their own goods, if of the same kind, thereby gaining an undue advantage over their fellow merchants.

172. The manifest does not give the particular of the contents of the cargo?—He could generally ascertain.

173. In some places there are both consuls and vice-consuls; for instance, at Valparaiso there is a consul-general and a vice-consul?—Yes, the capital of Chili

Chili is St. Jago de Chili, where the consul-general would be supposed to reside, and the vice-consul at Valparaiso, the sea-port.

174. Is there not a great deal of trade at that place?—Yes.

175. Ought not the vice-consul to be prohibited trading there, upon your principle?—Yes, at a port of that importance.

176. Would not his salary be too low in that case?—I think he would require an increase to live comfortably.

177. Supposing there to be any objection to a vice-consul being allowed to trade, would you draw any distinction between his trading as a commercial agent, or on his own bottom?—He still would have a store; he would be a merchant; if he was the agent of others, he must receive the merchandize of others.

178. But the temptation to act for his private interests would not be so strong?—Certainly not; excepting so far as the advancing the interests of his correspondents would promote his own; and render him equally exceptionable.

179. Are you home on leave of absence?—My situation was abolished in 1831, and I have recently received an appointment to Carthagena.

180. You stated you thought a system of general instruction for consuls was of importance, and that such existed in France; can you give the Committee any information upon the subject of consular education in France?—I do not know that there is any general system, but I have understood that young men are educated in the Foreign Office, and sent out as vice-consuls before receiving a consular appointment.

181. The Committee was not aware there was any preparatory system of education in France for consuls; they are generally clerks in the Foreign Office?—It does prevail in some degree; and I think it would be very desirable if persons were attached to consuls abroad as attachés or vice-consuls, as far as practicable, to initiate them into the service.

182. What would be the particular subject that you would instruct them in?—There requires a good deal of experience to become fully versant in the routine of trade, the navigation laws, and the extent and the nature of protection to be extended to His Majesty's subjects abroad.

183. Have you known any instances of consuls being appointed, not having any knowledge of the language of the country to which they have been sent?—I have not known any instances of that kind, where they have been altogether ignorant of the language.

184. Has your attention been called to the distribution of consuls generally in South America, with which you are particularly acquainted?—I believe there are some places where there are not consuls; for instance, the state of Bolivia.

185. You are aware there is a very growing trade in the state of Bolivia?—Yes, there has been a considerable increase there.

186. Have you known any other part of South America in which a similar improvement has taken place?—The port of Augustura is one, being the head port of the commerce of the Orinoko.

187. Consuls in those remote countries often act as magistrates in disputes between English subjects?—They often give their conciliatory advice.

188. Are they furnished with Acts of Parliament to enable them to decide upon the state of the law?—No.

189. Would it not be very desirable that the consuls should receive the statutes as they are promulgated?—Very desirable.

190. Documents are sometimes sent to the consuls from the Foreign Office?—Yes, Acts of Parliament connected with trade.

191. Have you heard it complained of that the postage has not been paid upon public documents?—Yes, particularly in South America, where they are transmitted to and from distant places in the interior.

192. Did you ever pay any postage upon Acts of Parliament and other public documents?—Yes, I did, for a considerable period; and I found it so onerous that I wrote to Mr. Canning, and he directed that they should come up to Bogota in the bag of the chargé d'affaires.

193. As it is the duty of the consuls to collect facts, particularly of a commercial nature, and as the expense of postage in their collection is very considerable, is not the expense of it a great impediment to the collection?—Yes, no doubt, in all cases; and more particularly where the country in which the inquiry is to be made is very extensive, the postage is very heavy.

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194. In your own case, while consul, how frequently did you make commercial reports to Government?—Every year.

195. There is a question that has sometimes caused some embarrassment to consuls, namely, the right of consuls to interfere in the case of wrecked property; was such authority generally recognized in South America?—No; there was some difficulty there, as it was new to the authorities, and they resisted the authority of the consuls in some instances.

196. You may be aware that even in Europe the right is very imperfectly defined in different states?—Very much so.

197. What is the state of things in South America, as to the power of interference in cases of property wrecked on the shore?—I do not believe there are any treaties, regulating the authority of consuls, existing with the South American States. We are directed by our instructions not to seek for greater privileges than are allowed to the consuls of the most favoured nations; but as there is no established rule with any nation on the subject, consuls have some delicacy in tracing out the line of their authority.

198. Were you allowed to take possession of wrecked property?—Yes; to have the supervision of it.

199. In case of the death of a British subject, was the property taken possession of by the consul?—Yes, and put under the seal of the consulate.

200. The position of the British consuls was precisely that of the consuls of other nations?—Yes, it was.

201. You have stated you heard the opinions of the merchants of Rio Janeiro as to the consular system; was not the system there very peculiar?—The merchants did not complain so much of the system, which was the collection of one-half per cent. on trade to form a consular fund, as they did of the excess of the salary, which arose to the consul-general, nearly 10,000 *l.* a year. It was never expected that it would have reached that amount. It was not the principle they complained of, but the abuse of it.

202. To what extent, generally speaking, has the attention of the consuls been called to the opening new markets for British goods?—If he thinks it expedient that a consul should be sent to a new place where trade is increasing, he reports home on the subject.

203. Have the consuls of South America a right to appoint vice-consuls in the subordinate ports?—They must submit to the Foreign Office the name of the party for approbation.

204. The Foreign Office possesses a veto upon the appointment?—Yes.

205. Have you ever known that veto exercised?—No, not unless there was any particular reason.

206. Is there any rule established for correspondence between the consul and the different vice-consuls as to periodical returns?—The consul generally gives to the vice-consul similar instructions to those he has received himself, consequently the vice-consul is bound to correspond with him.

207. Has he the power of dismissal for defection of duty, without communicating with the Foreign Office?—He has the power of dismissal in urgent cases, (unless the vice-consul is appointed by the Government), submitting it to the Foreign Office.

208. Does the dismissal take place before that dismissal is confirmed by the Foreign Office?—I should think in those distant countries, certainly; if the conduct of the vice-consul (appointed by the consul) was improper, he would be dismissed at once.

209. The vice-consuls stand in the same relation to consuls that the consuls do to the consul-general?—Yes, exactly, with this difference, that a consul-general could not dismiss a consul.

210. Could you say, from your knowledge of South America, that there are any places to which consuls or vice-consuls should be appointed?—I believe the trade of the state of Bolivia, in the centre of the Perus, has increased considerably.

211. What was the other place you mentioned?—Augustura, on the Orinoko; we have no consul there.

212. Do you agree in these reasons why consuls should not engage in trade: First, because the consul, who, if engaged in trade, must necessarily have the choice of the market for all valuable consignments of ships and goods, must be frequently tempted to connive at, and even countenance in his capacity of consignee

signee, those illegal and illicit practices which, as consul, he ought to do his utmost to prevent; his personal interest being thus placed in direct opposition to his official duty?—Certainly, I concur in those reasons.

213. The second reason is, because the British consul, by embarking in trade, renders himself amenable as a merchant to foreign jurisdiction, and becomes also in other respects subject to its control; a state of dependance, incompatible with the due fulfilment of those primary duties towards his own Sovereign, by which it has been said he is bound to resist with vigour and firmness every attempt to infringe the rights and privileges belonging to the British nation, and again, to keep his own Government duly informed of every remarkable and interesting occurrence, especially the equipping and sailing of ships of war?—Yes, I quite agree with that.

214. In recommending a previous education as advisable for vice-consuls, do you mean education in a house of trade, or the practice of the consular department?—I meant the practice of the consular department.

215. Since Mr. Canning authorized your receiving the Acts of Parliament under the cover of the chargé d'affaires, is it, as far as you know, the general practice of the Foreign Office to send Acts of Parliament and papers connected with trade and the duties of consuls, to the several consuls?—Certainly; but not generally under the cover of the chargé d'affaires. Mine was a peculiar case, Bogota being situated in a very distant and remote part of the Andes.

216. In addition to your annual report of the state of trade, did you deem it your duty to give immediate information to the Foreign Office of any important incident or view of your own respecting the commerce in the port of your residence?—Yes, certainly, on all occasions.

217. Referring to the last question but one, and your answer with respect to the Acts of Parliament, did it include those that refer to magisterial duties?—No, only those connected with commerce.

218. In what cases, if in any, is a consul entitled to a pension?—Consuls, I believe, after a certain number of years.

219. What number of years?—Ten, I believe.

220. On what scale is it given?—I believe there is no regular scale that I am aware of; I believe it is recommended by the Secretary of State to the Lords of the Treasury.

221. You are not aware of any scale?—I am not aware of any; that is one defect of the consular service, particularly as regards provisional allowances, on the recall of a consul or the abolition of his office, until re-employed.

222. In your experience is there much delay in the payment of the salary and outlay of the consuls?—I never experienced it, living at such a distance. In Europe, I believe, there is some delay; the general returns are waited for, before the payment is made, I have understood, to particular individuals.

223. Do you draw at a fixed exchange?—We drew in pounds sterling, and took the chance of the exchange.

224. At Bogota, should you say the consul was likely to be a more efficient public officer than a minister, from your knowledge of that part, and the political and commercial relations connected with it?—That would depend a good deal upon the views of the British Government as to the propriety of having a minister there; but if all diplomatic matters and political relations were once arranged, I conceive that the consul-general, the questions there in general being purely commercial, might be enabled to transact the business as well.

225. The ordinary run of business there is chiefly of a commercial kind?—Yes, almost altogether.

226. Have you any instances in your recollection of a minister residing at Bogota, and from circumstances which might have come under your notice, not seeming to be called upon to act very often in his official character; for instance, did the minister, when you were there, reside upon the spot; was he in the habit, or do you know he was not in the habit of residing?—Whilst I was at Bogota there was a chargé d'affaires, Colonel Campbell, and he used to reside upon the spot.

227. No instance has come within your knowledge, since you left Bogota, through the channels of the newspapers, of the fact of a minister not residing for any length of time at his post?—Those are reports that often appear in the papers without any foundation.

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228. You have no good authority for saying so?—I have seen such things mentioned in the papers, but I do not know anything of their truth personally.

229. You do not know anything of your own personal knowledge?—No.

230. You have been in no other of the American states?—Only in the Brazils.

231. Were you there as consul?—No, I was there not in any occupation.

232. Have you, at the period you were living at Bogota, received any specific questions upon commercial points from the English Government, upon which to make periodical returns?—We had instructions to report upon trade.

233. Those were general instructions?—Yes.

234. Had you any specific instruction as to any particular article?—No; the trade in corn was mentioned.

235. You left in 1831, and there were no specific instructions?—Yes, there were written instructions given.

236. And those only connected with corn?—Yes, the trade generally.

237. Were you in the habit of sending home the tariffs?—Yes, regularly.

238. You have read over those instructions which have been handed to you?—I have looked at them cursorily.

239. Those are very good, you consider?—I have scarcely had time to consider them; many of them are new since I left South America.

240. Had you any vice-consuls attached under you?—No, not any, excepting what I employed myself.

241. How many did you appoint in Colombia?—The vice-consul I employed I paid myself.

242. When you were in Bogota, Colombia consisted of Venezuela, the Equator and New Grenada?—Yes.

243. You employed one vice-consul?—Yes.

244. You had so much to do, it was necessary?—I had to correspond with all the consuls at the out-ports; there were seven or eight consuls, besides constantly corresponding with the chargé d'affaires, and the Foreign Department.

245. Is it the general practice for the consuls to have vice-consuls?—Yes.

246. Who were the persons you appointed as vice-consuls, were they natives of the place?—No, an English gentleman; I got the service of any person I could find upon the spot.

247. As a matter of fact, did you pay them salaries?—I used to pay them for their services to myself.

248. In the shape of salary?—Yes, so much per week; they were more in the character of a secretary. They were not appointed as vice-consuls, or approved of by the Foreign Office.

249. Did you appoint any vice-consuls to distant parts?—No, not any.

250. The vice-consul, who served immediately under you, probably received certain fees?—No, he was a private individual, merely for my own assistance, and paid by myself; not having any regular vice-consul allowed me, the charge not having been allowed, has fallen on myself.

251. Were you ever consul in any part of Europe?—No.

252. You were eight years in Colombia?—Yes.

253. And left in 1831?—Yes, and went out in 1823.

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254. YOU have been an underwriter?—Yes.

255. For how long?—I was engaged in that branch of business for about 20 years and upwards, 20 or 25 years.

256. At Lloyd's?—Yes.

257. Are you there still?—No, not for 10 years past; I have retired from business.

258. Have you given your attention particularly to the consular department?—Yes, for the last 10 or 15 years.

259. Have the alterations, which from time to time have been made in the consular system, been such as to accommodate its working to the modern state of commerce, and the existing political relations of this country with foreign states?—My feeling with regard to the situation of consuls refers more to commercial purposes than to political or diplomatic concerns, with a view more directly to the commercial interests of this country.

260. Do

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260. Do you consider that the system, as it at present exists, and the information sent from it, can be added to?—I am not competent to give an opinion upon the information sent from it, as I have not had an opportunity of seeing it, but that the system might be amended, I am free to confess; my attention has been directed to that.

261. Is there any previous education or qualifications upon which you have any suggestions to make?—I conceive that a person appointed consul should be conversant with commerce, and perhaps educated as a commercial man, but not a commercial man at the time he holds the situation of consul, for many reasons.

262. Have the goodness to state those reasons?—I should say, that persons ignorant of mercantile affairs, cannot possibly be possessed of that knowledge indispensably necessary to promote the commercial interests, nor can they be supposed to know well how to administer assistance to them, and consequently they would be subject to the deceits and frauds of captains, supercargoes, &c., which I have known to be great.

263. Do you consider the complaints on the subject proceeding from commercial men, such as to justify a revisal of the system?—I should think so.

264. Have you read the list of instructions?—Yes, and I think they are extremely good if carried into effect, and adhered to.

265. Those instructions were given subsequently to your being engaged in business?—Yes.

266. You have no practical experience upon those?—No.

267. But from the questions put there, you would hold that they would be such as to elicit the information necessary for the commercial interests?—Yes, provided that the answers were promulgated.

268. Do you consider that the consuls ought to be instructed to send regular periodical returns in reference to those instructions?—Yes, decidedly.

269. Do you consider that those answers should be sent periodically, even if there is little information to be returned from those individual places?—Certainly.

270. Do you consider that if the commercial information to be collected from the answers to those questions was promulgated through the commercial world, that infinitely more certain information might be given to the trading interest, and considerable uncertainty and speculation prevented, than what is the case at the present time?—Certainly.

271. Have you lived abroad?—Never.

272. You have stated you have applied yourself for 15 years to consular affairs?—To that department.

273. Do you mean by study, or connected with practical experience?—By reading and practical experience, and by inquiry from general sources.

274. No practical experience?—No further than as a merchant and underwriter, by which means I have had opportunities of seeing consular documents among the papers of vessels, upon claims made.

275. You say it is utterly impossible for any person who has not commercial knowledge, to execute the duties of a consul efficiently and properly?—I should not say impossible; a man may be quite efficient, but it is not probable.

276. Do you think the commercial details necessary for the situation difficult to acquire?—Yes, very much so; if a person is sent out in ignorance there are many cases that come before the consul, of which he must, if he has not a commercial education or cognizant of commerce, necessarily be perfectly ignorant; he cannot understand what a manifest is, what a bottomry bond is, or a bill of lading, and the various things that may be brought before him as fictitious papers, that he may take as real ones.

277. Do you think it difficult to acquire that knowledge?—Yes, practically.

278. Do you think that any man of ordinary capacity could not make himself acquainted with them in a month?—I think not.

279. What means would you suggest to obtain the arrangement of and give publicity to the consular returns?—My idea is if the consular department was in the Board of Trade, that the members who compose the Board of Trade would be the best judges of promulgating the information that they would derive periodically from the consuls.

280. What course would you take to promulgate it to the public?—That must remain with a Board conversant with the trade; but there might be an office where those returns might be deposited, and where the merchants could see them.

281. In France the minister of commerce circulates all the commercial details

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through the office; every new tariff, every new treaty, and the amount of importation and exportation are published?—We have nothing of the kind here.

282. Do you think such an arrangement necessary?—Yes, very; I think the commercial world are very ignorant of the consular returns.

283. Do you not think it would be sufficient that the returns should be printed and published in the form of Parliamentary documents?—Yes, probably it would, the same as the Bank documents; yet perhaps they might be too voluminous and expensive.

284. Do you not think it a very desirable thing that there should be an annual commercial return presented to Parliament, that should gather up all the commercial facts of the year, and show the change of the duties upon imports and exports, and the amount of exports and imports, where we have consular authority?—Certainly.

285. Did you hear the evidence of the last witness?—Yes.

286. Upon the general questions put to him, do your opinions coincide?—Yes, very much so indeed.

287. You heard me read two reasons from a paper why the consuls should not be engaged in trade; do you agree in those?—Most decidedly.

288. Are there any particular circumstances connected with the evidence of the last witness in which you disagree?—No, on the contrary, I fully agree with him.

289. Would you not make exceptions to your general rule in the small ports where the trade is so small that the salary of the vice-consul would bear a large proportion to the trade?—Where you have a consul trading, you interfere with the trade of other parties, because he must necessarily have the preference over them; persons are more disposed to consign to a public agent, because others could not grant them the same facilities.

290. If you could get gratuitous information from the vice-consul, would not that advantage be greater than any damage done in consequence of the competition of the vice-consul?—I do not think the principle is one of very great moment.

291. Would not you say that that advantage bears, upon commercial points, no comparison to the disadvantage and to the general character and efficiency of public servants?—Yes; I would not impugn the character of the generality of the consuls.

292. You stated that a consul being permitted to trade, he would obtain a principal part of the trade of the port; is that your conjecture, or have you any knowledge upon the subject?—I have made a great many inquiries upon the subject, and I am satisfied I am correct.

293. Are you not aware there are many places in South America where it is necessary to have some commercial authority, and where, if you were to attempt to establish a vice-consular corps, it would be attended with an immense expense?—I grant that it would be large, but I consider that the expense of the consular corps in South America is more than it ought to have been, and if the one was increased and the other reduced, you would bring it to a proper expense.

294. Should you see any objection to a merchant in a port, where there was very little opening for trade, undertaking the office without a salary?—Not in the outset particularly; but if, in the course of time, it became a considerable port, the arrangement should be changed.

295. You are aware, on the whole coast of South America there is a great variety of small openings for such trade that would not pay a consul, (where everything is dear,) or even a vice-consul, a sufficient salary to secure his services?—I go quite upon the principle that a consul should be an independent agent, and my opinion is, he cannot be an independent agent as long as he is engaged in trade on his own account.

296. The case alluded to is a case peculiarly applicable to the coast of America, where our trade is merely making its way. In the first instance, do you not conceive, in the execution of the office of vice-consul, that a merchant without a salary might be of great importance to the trade?—I do not think he would.

297. You think it very essential that those persons should be acquainted with trade?—Yes.

298. At what price do you think you could get a person well acquainted with trade to go and reside at those places?—I cannot tell the maximum or minimum salary.

299. Are you aware that the salary of 800 *l.* would go very little way to remunerate a gentleman, with that knowledge requisite for the situation?—Yes; it would

would be a very small salary to put a gentleman upon, in a very remote situation, where the necessaries of life are exorbitant.

300. Have you considered the result likely to arise from placing a consul at those places at a salary of 800 *l.* or 1,000 *l.* a year?—No.

301. Would you consider the efficiency of the service, or the money to be outlaid upon it in the first instance?—The efficiency.

302. Do you not conceive, that under the circumstances stated, that the services might be as effectually performed without a salary in a small port as with a salary, in the mode you propose?—Yes.

303. There was one point you mentioned; you said you thought there were consular establishments in South America attended with more expense than need be?—I think not.

304. You were asked whether the preventing consuls from trading would not be attended with expense, and you said you thought expense had been carried a great way on the one hand, but if conducted on your system, you would wish consuls not to trade?—The salaries in South America, of consuls, have been very large.

305. Do you recollect the largest?—£. 2,500.

306. To a consul-general?—Yes.

307. Do you know the highest salary of any consul there?—I do not immediately.

308. You say you think it advisable to equalize the salaries; from that, you think some paid too high and some too low; and you think that if that was the case, the service might be more efficiently performed; what average have you made?—If the duties of consul were separated, and then the consul had a salary of 2,500 *l.* a year, I conceive that would be too much.

309. That is the consul-general?—Yes.

310. Are you aware what the salaries are of the consuls in Mexico; do you know that one of them has 265 *l.*, another 500 *l.*, and the other 400 *l.*, when you speak of equalizing them, and cutting the higher ones down?—They are at liberty to trade, I believe.

311. In point of fact, does any of your knowledge extend to within 10 years?—No, certainly not.

312. All your information was previous to that time?—My personal knowledge was derived previous to that time; the other information I have obtained has been from reports of merchants and persons engaged in trade.

313. Is there any information that the trading community derives from the returns sent home to the consulate department?—None, I believe, are promulgated, except at the Statistical-office of the Board of Trade, which I believe very few persons apply for.

314. Have you seen the books published by the Board of Trade?—I have not.

315. Is there any particular subject on which you think you are more competent than any other to give information?—I have stated my means of knowledge.

316. Is there any other communication you wish to make to the Committee?—I might answer the object of one of the Members of the Committee in this way, that the salaries of consuls should be at a certain maximum and minimum, and then by an equalization, according to the price of the necessaries of life at the place where they are to reside, and also according to the ratio of business.

317. You have stated that the commercial communications from the public offices have been deficient as to the interests of trade; how long do you conceive they have been so?—I do not know that the information has been deficient; I mean to say that the information has not been made public, the commercial interest has not known it.

318. How long do you conceive that has existed?—For 20 years; when I was first engaged in trade, and afterwards.

319. Up to the present time?—As far as my information goes; I cannot say up to this very day, because some alteration may have taken place in the Government arrangements that I am not cognizant of. With respect to the previous education or state of qualification required for candidates, I first contend they should be persons brought up to trade, or, if according to the French system, the person was an elève or "apprentissage" of a consul, gradually brought up to it, the interests of the office would be better attended to.

320. Do you think that the duties of a consul in an ordinary sea-port town are of so complicated a nature, that a man of common abilities cannot acquire a know-

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ledge of them without undergoing this long process?—I conceive there are many individuals very ignorant of the duties of the office; the principal duties of the office are done by their clerk; they are not aware of the tricks that captains and supercargoes of vessels can play and deceive them with by their manifests.

321. That knowledge you think he could obtain in a month?—He could not obtain it without having some commercial man to instruct him in it.

322. Have any instances of the great inaptitude of consuls come under your own knowledge?—In my own knowledge certainly not; I would not say in this Committee what I have heard from others.

323. You say you think it necessary for a gentleman appointed to this situation to have much commercial information; you mean information that he should have acquired in commerce?—Yes, in the practice of commerce, if possible.

324. Do you think it possible to find gentlemen who have conducted their affairs with that prudence in commerce to entitle their opinions to much weight, to place in these situations?—Yes, decidedly; because practically a man may be a very good merchant, and not successful.

325. You think that the situation of consuls should be reserved for unsuccessful merchants?—No, indeed I do not.

326. Do you conceive that there is anything in the duties of a consul which a man of good sense and fair understanding would not be able to make himself master of in a very short time after his appointment, even supposing him to have been in a line of life totally unconnected with trade?—In a short time he might, if he gave his attention to it.

327. By a short time, what period do you contemplate?—That depends upon the business of the place; perhaps a month or two, or a year; but the modes of trade at different ports are of course different.

328. Therefore good sense and capacity must be better qualifications for a consul than any previous habits of life?—I am quite of opinion he ought to be possessed of some commercial knowledge, and have directed his attention to it; I do not think a half-pay officer is a fit person; a naval man is a more fit person, he is acquainted with the navigation laws and the laws of commerce more than a half-pay officer in the army.

329. Which of the answers just given convey your opinion; in one answer you have stated, that any man of fair understanding might in a short time make himself master of his business; and in the other answer you have said, that previous knowledge of commercial matters is desirable?—I meant to say that previous knowledge is desirable.

330. You would require for a good consul very much the same qualities as for a good merchant?—I think so.

331. You think a half-pay officer would not make a good merchant?—I think not.

332. You think that long commercial habits would be more likely to have produced the assiduity requisite for a consul than any other?—That is my opinion.

333. You are aware of the difficulty of getting a person with these long commercial habits, who has not been unsuccessful in commerce, to fill the office of consul?—Yes, no doubt.

334. What are those duties of consuls, for which this practical knowledge of commerce is in your opinion necessary?—I should say, principally the knowledge of ships' papers.

335. Explain what you mean by that?—Manifests of cargoes, bills of lading, invoices and bottomry bonds, which sometimes come under his cognizance, and various things of that kind, which a gentleman, who has not some knowledge of commercial affairs, it is impossible he can at once make himself acquainted with, whether they are fictitious or real, and the clearances of ships.

336. What are the points connected with those documents upon which the consul has to exercise his knowledge?—I presume he has, when a ship arrives at his port to examine her papers, to see and make himself perfectly certain she has cleared from the ports from which the papers make it appear that she has, and that her papers are in correct and proper order, and not infringing either the laws of her own country, or the laws of the country where he is stationed.

337. Do not those facts appear upon the face of the papers by the signatures and certificates?—They may, or may not; there may be instances where if the captain or supercargo chose to pursue illicit or contraband trade, he might endeavour

endeavour to falsify his papers, if he thought he could do so with a person not likely to understand them.

338. What authority has a consul to exercise over those papers; are they not for the local authorities to act upon?—If she is a British ship, the British consul is the person to examine the ship's papers, and see that they are correct.

339. For what purpose?—To see whether he has cleared out from the port, from which it appears he has, and possibly to examine those papers very minutely; a man may bring a manifest of a ship that may be an incorrect one, but if the consul is conversant with the manifest and ship's papers, he would see whether it is a manufactured document, and on any suspicious circumstances, detect a fraud which a gentleman unacquainted with the business might not.

340. Is not that a knowledge of certificates rather than a knowledge of commerce?—It is a knowledge of commerce, and of the navigation laws in a measure; he should be acquainted with those.

341. Do you consider the knowledge, whether a certificate is in due form to be a knowledge of commerce?—Not exactly.

342. What I want to know is, what are the duties of a consul, for which a practical knowledge of commerce is necessary; you have now stated that every ship that arrives produces certain papers, and that the consul ought to examine those papers, to see if they are correct and in proper form; this form being known to all the world, I now wish you to state what are the duties of a consul, for which a practical knowledge of commerce is required, such knowledge as is only to be obtained by having been engaged in commercial transactions?—I should think that the general habits of commerce are those which a consul's situation requires; and with commercial knowledge he would be more competent to judge of the facilities to be afforded to the merchant.

343. Are not his duties strictly and purely official; is it not his business to do official acts, and obtain for merchants and ships the due execution of the laws of the country in which the ship arrives; to make remonstrances to the local authorities, and if those remonstrances fail, to address himself to the minister resident at the capital of the country where he is placed?—Certainly.

344. Are any of those acts matters for which a practical knowledge of commerce is at all requisite?—Not in those acts certainly.

345. Then what are the acts that a consul has to perform for which a practical knowledge of commerce is in your opinion necessary?—I conceive that a consul is purely a commercial agent, and that the interests of the commerce of the country for whom he is the agent, is the subject matter upon which he is positively engaged.

346. Did not one of the preceding questions enumerate acts to be performed by the consul, which are by no means of a commercial nature, but purely of an official nature?—Yes; but the question was put to me, I was asked whether I confirmed the opinion given by Mr. Henderson that they should be distinct, political and commercial, and my opinion was that they should be commercial and not political.

347. Then are there no acts which a consul has to perform which are in their nature commercial; all his duties are official or political?—Official and commercial; at present they are united with the political, but the question I answered previously was, that they should be divided, the political and commercial character.

348. Are not the acts which a consul performs at a port somewhat analogous to the duties of a custom-house officer?—In a measure.

349. Do you conceive that all custom-house officers ought to be merchants?—No, certainly not.

350. Are not the duties of custom-house officers more purely and exclusively commercial than those of a consul?—I believe there are only certain laws that a custom-house officer has got to pursue. A consul, I presume, has to exercise a certain judgment, besides pursuing his official duty.

351. A custom-house officer has no duties to perform but those connected with trade and its details, whereas a consul has duties to perform of a political character; is it not so?—The custom-house officer is a man who has a certain line of duty laid out, and has no option to swerve one way or the other, and has no room for an opinion; a consul, in my humble opinion, is an independent agent of the commercial interests of his own country in the nation in which he resides, and he is placed in many situations to protect the merchant, or to see

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that his interests are protected, or his ships or cargoes properly taken care of, in cases which may not be laid down in his code of instructions.

352. When a consul acts to protect the merchant or trade of this country, does he not act as the organ or the representative of the executive Government at home; in what other capacity could he have any power or authority to afford protection to the British merchant in a foreign port —That is a question I have answered before, that a consul has only to protect the trade, and not interfere; and I think he ought not to interfere in municipal or political questions.

353. The question referred to both?—But it united the commercial and political.

354. How would it be possible for a consul to afford any protection or assistance to trade in a foreign port, unless he was acting under the authority of the executive Government at home, and in communication with the Government either directly or indirectly, through the minister at the court of the country where he is placed?—It would not be possible.

355. Therefore a consul could not efficiently perform what you call his commercial duties, which consist in protecting the trade of the country, if he was not also a political officer?—Upon the present system.

356. Upon any system?—In the one his appointment would be for a commercial character, and upon the other a political one, totally distinct.

357. Would you have two consuls at each port; one political, connected with the executive Government, and the other technically confined to the details of commerce; so that, when a merchant had need of the protection of the Government, the commercial consul should be obliged to go to the political consul, and after explaining to him the matter, with which the political consul was previously unacquainted, ask him to interfere, in order to obtain protection for the merchant? —No, certainly not. I conceive the appointment of the consul is from our Government, and I should separate those two offices, political and commercial; I should not call it a political interference; my idea of political is with regard to the relative arrangements between the two countries, or any other country, relating to peace or war.

358. Suppose any country, in which a consul is stationed, political events happen materially interesting to the English Government, do you conceive that it is not desirable that that consul should make known those events immediately to the Government at home?—Decidedly it is.

359. Is that a political or a commercial duty?—It would be both.

360. Suppose a merchant at a port where a consul is stationed, to have just complaint against the authorities of the port for not properly administering the laws with regard to him, is it not desirable that the consul should, on the part of the English Government, remonstrate and demand redress?—Yes; that is my feeling of commercial interest.

361. Do you consider that to be a commercial or political act?—A commercial act.

362. You consider that when a public officer makes, on the part of the King of Great Britain, a demand for redress to the authorities of the foreign government, that it is a commercial act?—Yes. I presume, when you say against the laws of the country and the merchant, uniting those two, it is regarding his commercial interest.

363. If an ambassador were to make a similar remonstrance, supposing the complaint addressed directly to the ambassador, without coming through the consul, you would then consider that ambassador *pro tanto* as a commercial agent, and as doing a commercial act?—Yes, if it was a subject that interfered with the commercial interests, with regard to any shipment, or cargoes, or anything of that description, belonging to ships arrived or to be dispatched.

364. Then in your understanding of the word, you mean every act, by whomsoever performed, that arises out of commercial matters, that is what you consider a commercial act?—Yes, decidedly.

365. So that in saying that you consider consuls to be purely commercial agents, you only mean that the greater part of their duties relate to matters which take their rise out of commercial transactions?—Certainly.

366. You do not mean to say that there is anything in their duties analogous to the trading transactions of a merchant actually engaged in commerce; they neither buy nor sell as consuls?—No, not of themselves, certainly.

367. Therefore if a practical knowledge of commerce is necessary to enable a consul

a consul acting officially to protect the interests of commerce, an equal knowledge of commerce would be necessary for a minister plenipotentiary, to enable him to protect the interests of commerce when required to do so?—That I am not competent to give an opinion upon.

368. Does not it follow from your reasoning?—I think not.

369. Do you think any person competent to be President of the Board of Trade who has not been a merchant engaged in commerce?—I have no hesitation in answering that question; the President of the Board of Trade, if he has been a merchant, would be more efficient than a person who has not been so.

370. Did it ever occur to you that a successful merchant would not be very likely to accept the situation of consul, or should we be obliged to have recourse to the unsuccessful merchant?—No, I should think you would find many that had been successful, who would rather retire from the risk of trade, and who had made a moderate competence, and who would rather realize a certainty and take even a small salary to hold so respectable an office.

371. Did it ever occur to you that in that case they would not much like the uncertainty of a consular appointment; was it your plan to make them permanent?—I presume they are permanent as long as their conduct is sufficiently correct to maintain the confidence reposed in them by the Government.

372. And you think the present rate of salaries would be sufficient to induce successful merchants to accept the appointment?—Yes, even less.

373. You have mentioned commercial knowledge as desirable in a person appointed a consul; do you not consider that it is desirable that a person located in any country should be acquainted with the commercial transactions and affairs of the country in which he resides?—Certainly.

374. Do you not consider that a person appointed in an under situation previous to being appointed to the upper one, and so promoted in that country, is more likely to bring a practical knowledge and acquaintance with the affairs of that country, and be able to report information to the English Government upon those points, to be derived from an individual so educated, than would be derived from an individual sent from this country at once into a higher situation in which he has to preside?—Certainly.

375. You have been asked respecting the commercial duties as well as the diplomatic duties of a consul, and your definition is this, that all affairs connected with commerce are commercial and not diplomatic functions, and that consequently all commercial transactions of an ambassador as well as of a consul require in their nature a degree of commercial knowledge; do you not consider, therefore, that even in your ambassadorial appointments a great commercial acquaintance is desirable?—It would be desirable, decidedly.

376. You hold political functions to be an interference in the political affairs of the country, and all the concerns of trade to be strictly commercial?—That is my opinion.

377. A political act is an interference in the political arrangements of the country?—Yes.

378. How do you describe a political act which took place with regard to matters connected with commerce, would you call it a political or a commercial act?—A commercial act.

379. For instance, an alteration of a tariff or a custom-house in Germany, would you consider that a commercial act or a political act?—Commercial.

380. Is not the true distinction this, that the act is political and the object commercial?—Yes.

381. And consuls living in a country for the protection of the trade and commerce of this country and as placed in commercial situations, you hold their functions to be commercial and not political?—Decidedly.

382. I understood you in your evidence to state, that a retired merchant is in your opinion more suited for a consular appointment than an individual unconnected with commerce?—Yes.

383. Would not such a retired merchant be more liable to the imputation of favouring other individuals with whom he had been formerly connected in trade, than a person not connected with trade, for instance, the partners of his own house; supposing the case of a London merchant sent to any foreign port?—He would be liable to the imputation, but before the appointment was made I apprehend the integrity and honour of the party would be fully established by those appointing him.

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384. Do you think it inexpedient to employ, as consuls, merchants who are established in the ports in which they are to act?—Yes, decidedly.

385. As consuls or vice-consuls?—Yes, either.

386. Will you have the goodness to state the objections that you consider arise to such a selection?—I would rather state, at this present moment, an objection that may not appear irrelevant to the subject; which is, that another merchant is not disposed to bring to that merchant who shall be the consul any document to sign which shall be at all instrumental in informing him upon the state of his affairs, of which there are many; for instance, I would state that a merchant wishes to borrow money on the deposit of goods, to legalize which it may be necessary to execute a notarial act; if he comes to the consul, an official person and notary, that merchant is put in the position of exposing his affairs to the consul; a measure which will be allowed to be very detrimental to the interests of trade generally; and there are many instances of that description.

387. A rival in trade would have to make an exposure of his personal interests that might be prejudicial to him?—Yes.

388. In what respect is it in the power of a merchant acting as consul to give a preference or advantage to a friend over another rival merchant not his friend?—When a vessel arrives, it is necessary he should deposit his papers with the consul; and, before the ship has broken bulk, he has the perusal of those papers. He has the manifest of the cargo, and knows exactly of what it consists. He can, in his official capacity, before he gives liberty for the vessel breaking bulk, give notice to some other merchant to sell or to buy, by seeing what the cargo of the vessel contains; and he may, by that means, forestall the market either in purchase or sale, which the consignee, or other merchant, would be prejudiced by.

389. Practically, does it often happen that, when a ship arrives, the nature of the cargo is unknown?—Yes; till the bills of lading and manifest are produced, the cargo is not known.

390. The sailors do not mention it?—No, they do not know it.

391. You laid great stress upon the information to be sent home as to the state of the commerce in the countries where the consular agents were residing; do you think it necessary, in order to collect that information, that the person sending it home, and collecting it, should be a commercial person?—Yes; and that is the reason why I conceive the establishment of the consulate department should be under the Board of Trade; which Board of Trade, I conceive, are the persons best calculated to promulgate the information derived from the consuls.

392. There are answers to certain questions to be sent home from the consuls; do you think that that information must necessarily be collected by commercial men, or do you believe that these answers could not be equally well collected by a person of good sound sense, who took pains to obtain the information?—I have no doubt that a man of good sound sense could collect that information as well as a merchant; but I think a merchant could do it better, because he knows the nature of the trade for which the information would be required.

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Alexander Ferrier, Esq., called in; and Examined.

393. WILL you state the situation you hold?—His Majesty's Consul at Rotterdam.

394. For how long have you held it?—Twenty-one years; and previously I acted as vice-consul under the consulship of Mr. Craufurd.

395. In the same place where you have been appointed consul?—Yes.

396. Will you state, from your observations, whether the alterations that have been made in the consular system from time to time, have been such as to meet the commercial affairs of this country, and its relation with foreign countries?—I think they have.

397. Have the alterations made been as great and as quick as you consider desirable for the commercial affairs of the country?—Yes, I certainly do. I suppose you mean by that in communicating with foreign countries.

398. That is, that the duty and the instructions given to the consuls have varied from time to time, and been improved from time to time, accordingly as it was found for the benefit of the commercial affairs of the country?—Certainly.

399. Have you by you any statement of the instructions given when originally appointed consul?—Yes, I have.

400. Could you furnish the Committee with the alterations of the instructions, and the dates at which they were forwarded to yourself?—Upon referring to the different documents, I shall have it in my power to do so.

401. You have those documents in England?—Yes.

402. Have you seen the present instructions, the 39 Articles?—Yes.

403. May I ask the date at which those were forwarded to you at Rotterdam?—It is difficult to state precisely, but I think, within a short time after the date of the covering despatch.

404. And you could furnish the Committee with a list of the instructions that were previously given?—Yes.

405. Have you been in the habit periodically of transmitting replies to the instructions forwarded to you?—Yes.

406. What is the longest length of time that has ever elapsed between any two returns; have you ever been a twelvemonth without making a return?—Never; my instructions require me to furnish certain returns every three months, and others every 12 months.

407. At what period of the year is the return made?—The shipping return is made at the end of each year.

408. Since those last instructions were furnished, how often have you had occasion to send an answer to them?—I am in constant communication with the Foreign Office.

409. There is a numerical list of instructions furnished to consuls, which were forwarded 18 months ago; have you, since that time, sent numerical answers to each of those questions?—I have.

410. Has it been more than once since those instructions were forwarded?—I have always returned such answers as I deemed to be proper.

411. That was when first they were sent out?—So soon as I had collected the information required.

412. Did you consider it to be your duty to forward any regular periodical replies to those instructions, or only from time to time, as in your judgment you considered it desirable?—Certain returns are made periodically; and others from time to time.

413. Such as refer to any increase or decrease of trade with Rotterdam, and any other port of Europe not in the British dominions; have you made returns on the increase or decrease of trade with Rotterdam, and any other port of Europe, not the British dominions?—I report upon the general foreign trade of Rotterdam, and of the other ports within my consulate.

414. You have not drawn your attention to the degree of trade between Rotterdam and any other port of Europe?—I have sent statistical returns of the trade of Rotterdam with other countries.

415. You do not consider it necessary to forward any general information with respect to the trade of Rotterdam with all parts of the world?—I consider the trade with Great Britain as requiring my most particular attention.

416. Those instructions you consider to be very good and efficient?—Yes, I really do.

417. What do you consider to be the duties of a consul?—To watch, protect, and promote British trade and British interests generally: to see that justice is dealt to His Majesty's subjects: to attend to any grievances, whether arising out of misunderstandings with the natives or from any other cause; particularly difficulties in which British seamen are constantly involved: and, if necessary, to make such representations in the proper quarter as shall have the effect of remedying the evils complained of.

418. Do you not consider that a great part of the duty of consul is to forward statistical information to this country?—Certainly; and I do so.

419. Do you consider that if that statistical information was published, it would be a great benefit to the commercial interests of this country?—Yes, I do.

420. Do you not consider that those returns being periodically sent, if such returns were periodically able to be made public, it would be very desirable for trade?—I dare say it would. Whenever I learn anything that can be interesting to His Majesty's Government, I transmit it to them; but it is very difficult to procure correct information, there being very great objections and jealousy in furnishing it; it requires the consul to stand upon the best footing with every body, which I believe I do; but even with personal influence, it is often only granted as the greatest favour and with the greatest reluctance.

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421. And it is sometimes expensive?—Yes; I have often been obliged to go to a great expense out of my own pocket to procure the information.

422. Are those expenses repaid you?—Only on special occasions, when I am required to procure any particular information for His Majesty's Government. It is then sometimes signified to me that my expenses will be reimbursed; but this is not always the case; for instance, when the 39 Articles were sent to me, I inquired of the Secretary of State whether I should be reimbursed any expenses, but I was answered that the Board of Trade were anxious to avoid it.

423. That is, these 39 or 40 Articles?—Yes.

424. You consider that the attention to economy in this branch of the service has disabled you from getting at efficient information, which you, if the expenses were likely to be liquidated, would have been able to have done?—It would greatly facilitate the procuring of good information if I were always at liberty to make certain disbursements on this account.

425. You hold that the mode in which it is at present conducted with reference to the expense has impaired the efficiency of the service?—I cannot say.

426. Has it limited the extent of the information gained?—Yes.

427. That information, at a certain expense, could have been procured?—Yes.

428. Do you think that consuls should be allowed to engage in trade?—I do not. It is desirable that consuls should have knowledge of trade, but it is impossible for a person who has extensive consular duties to pay sufficient attention both to his public duties as consul, and to his private concerns as merchant. My consular duties are of such extent that they require me to keep two clerks. For the last 10 years I have devoted myself exclusively to the consular service.

429. Are there any exceptions in which you would permit consuls to engage in trade?—I think there are many consuls whose duties are so limited that they could equally well attend to mercantile business.

430. You mean you would make a difference between the small and large places, and in large places you think the efficiency of the service would be better obtained by consuls not engaged in trade?—By all means.

431. Do you think that that would greatly increase the expense of the consular establishment?—No; there are many consuls, whose duties being light, might be permitted to trade, with proportionably small salaries assigned to them. There are a sufficient number of minor ports of this description, where the salaries might be lowered, which would allow of increasing the salaries of the consuls at more important places.

432. Have you any idea of the rate of salary that should be paid to consuls?—It is difficult for me to specify any amount; they should be proportioned to the extent of the duties, and to the expense of living in the place.

433. You would divide the salary into two portions, the one for service, for duty performed, and the other according to the table of prices and expenses at the place where he resided?—Yes.

434. You have no idea of the fixed rate at which consuls should be paid for duties?—No; I know that at present I am most inadequately remunerated; for after paying the expenses of my office, which are about 300*l.* a year, I have not above 150*l.* left to defray my personal disbursements.

435. Do you think that fees should constitute the only remuneration or salary, or that the remuneration should be partly the one and partly the other?—Partly the one and partly the other; the most just mode of remuneration would be a small tonnage duty upon the shipping resorting to the port. I know there are objections made to it, but I conceive them to be groundless objections.

436. Are you aware of the small charge necessary to raise a large fund, and that an eighth per cent. would raise 150,000*l.*?—I would take it by the tons; 2*d.* a ton would be quite sufficient, and upon a vessel of 100 tons, the amount so raised would be under 1*l.*

437. In that case would you think it desirable that the whole of this money should be paid into the consular fund, or that each consul should be paid relatively to the trade and duties of the port?—The consul ought to have a certain salary from Government, and also to be paid according to the extent of the shipping resorting to the port.

438. Are you prepared to suggest any improved plan respecting the table of fees that at present exists, or to state upon what general principles you think it should be regulated?—No, I am not; the fees collected by me are very small. Every protest and every notarial act is executed by the local notaries.

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439. How many vice-consuls are there under your consulate?—One vice-consul and one agent. There is a difference between vice-consuls and agents; the vice-consul is appointed under the sanction of the Foreign Office; the agent is only a person employed by myself to procure information or transact business for me.

440. What are the places at which the vice-consul and agent are?—The vice-consul is at Rotterdam; the agent is at Dordtrecht.

441. You remove him at pleasure?—The agent is not a Government servant, but only that acts in my name, and for me; he is therefore removable at my pleasure: but the vice-consul is a servant of Government, and can only be removed by the sanction of the Secretary of State.

442. How often have you returns from that station where your agent is?—Constantly.

443. Do you conceive it would be advisable for the service, that in all consulates where there are vice-consuls, that periodical returns should be made to the consuls, and that those original documents should be transferred to the proper authority at home?—The returns from vice-consuls ought to be embodied in one return, and are required in that shape by Government; the original returns remain in the consulate.

444. Do you not think it desirable that those original documents should be forwarded, in order to give a stimulus to the performance of the duties of the vice-consuls?—I do not think that it would have that effect.

445. Do you think, from your general knowledge of the consulate department, that consuls should be placed in many situations where now vice-consuls are?—Not to my knowledge.

446. Would you consider, in every place where a vice-consul is situated, he should be allowed to trade?—Yes, generally speaking. In particular places it might be advisable that he should not trade, but have a fixed salary.

447. You would make every port of any consequence into a separate consulship?—Either into a separate consulship, or into a vice-consulship under the superintendence of the nearest consul.

448. I understand you consider it not desirable that any vice-consul should be allowed to trade where there is much British trade?—Certainly.

449. And there are no vice-consuls in any situations where there is much British trade?—There is not much trade at any of the ports within my district excepting at Rotterdam.

450. Do you think it requisite there should be the two situations, consul and vice-consul, in any town?—I think it necessary in Rotterdam, for the chance of unforeseen circumstances calling the consul away.

451. Do you consider it desirable, by making the vice-consul acquainted with the trade in the port, he may eventually, should anything happen to the consul, be promoted to that situation?—Yes; I think him most fit.

452. And an individual resident in that district of the country would be more efficient to be promoted to the head of the department than sending a stranger there?—Perhaps so.

453. Do you think that the consul should communicate upon commercial affairs directly with the Board of Trade?—No, I do not. His services would not be equally efficient, because almost all his communications are more or less connected with political questions, even though upon commercial subjects.

454. What do you consider subjects of a commercial nature?—I consider every thing regarding commerce as commercial; but I have often been asked for a report upon commercial subjects connected with political questions which were at the time under discussion between Great Britain and Holland.

455. British consuls in all cases should be British subjects?—Certainly, as far as is practicable; it is equally desirable that vice-consuls should be British subjects; but there are many places where a vice-consul is requisite where no British person is resident.

456. Do you consider there should be allowances for outfits, or any allowances on the appointment of consul, independent of his salary?—I think there should; on a first appointment there are considerable expenses, which must otherwise be met from the private resources of the consul.

457. Would not that be avoided if persons who hold inferior situations in that department were promoted?—There should be a difference between such cases and persons proceeding from this country.

458. Is each consul or vice-consul furnished with a compendium of all such

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statutes, orders in council, treaties or parts of treaties that may be requisite for his guidance?—Yes; I receive such documents from the Foreign Office.

459. Are all the different papers and Acts of Parliament, and other documents that are in your office, capable of being looked at by the British merchants at any time?—Yes.

460. Have you any suggestions to make as to the hours of attendance at the consul office?—It depends entirely upon the duty to be performed, and the local habits of the merchants; for instance, my consular attendance is from nine in the morning till 10 at night, and many times the whole night through.

461. Do you know if it is usual for the consuls to make themselves acquainted with any useful discoveries or inventions relating to the commercial or manufacturing concerns in the port or neighbourhood where they reside, with a view to forward such information to the Government at home?—It is very desirable that they should do so, and I always act upon this principle; but I must observe that it is necessary to have the means to procure the information.

462. It is not done now?—Not to the extent that it might be, if pecuniary means were granted.

463. But it would be desirable?—No question of it.

464. Have you any other suggestions as to any other point that would be desirable to mention?—Yes. There is an insufficient consular control over shipmasters and seamen: the shipmaster should be obliged to exhibit his register, which foreign shipmasters are required to do to foreign consuls. This would obviate many of the difficulties in which both masters and seamen are often placed. It is only on such occasions that they resort to the consul, who gets neither thanks nor remuneration for his services; it would also prevent a great deal of smuggling.

465. Would the arrangement upon that point existing in America be desirable?—The masters of an American vessel, the moment they come to port, are under the necessity of depositing the register with the American consul.

466. And to report the stores and provisions on board?—Yes, I believe they do. I may observe, that there is no possibility of making any exact returns of shipping, unless shipmasters are more under the control of the consul, and are forced to exhibit their registers. At a port like Rotterdam, where 1,100 or 1,200 British vessels annually resort, it is a most difficult thing to get information as to the register of vessels, which can only be procured by favour or by money, and may even then be very incorrect.

467. In your opinion, the instructions sent out to consuls now are good and efficient?—Yes, they are.

468. Do you think it would be desirable for information upon these points, and also upon others connected with the trade and commerce of the country in which the consul resides, that those matters should be communicated at home here?—Yes.

469. And that it would give very valuable commercial information?—Certainly; every information of that kind I consider very desirable.

470. And facilitate the trading interests of this country?—Yes.

471. How long have you been consul at Rotterdam?—Since the year 1814.

472. What was your salary and emoluments before the year 1826?—I had no salary; I had only the small tonnage duty of 2 *d.* a ton upon the vessels, and that was discontinued when the Consular Act was passed.

473. In 1826?—Yes.

474. What was your salary from 1826 to 1832?—£.600; that salary was granted to me, with an understanding from Mr. Canning that I might continue in trade; but that if I did, I should be deprived of some of the advantages secured to me by the Consular Act; consequently I withdrew from trade, and applied myself exclusively to the consular business, when I certainly expected to have had a larger salary assigned to me.

475. What did you say your salary before 1826 was?—Nothing besides the fees of office, and the tonnage duty.

476. What did the tonnage duty amount to?—It depended on the amount of shipping, but might average from 300 *l.* to 400 *l.*

477. Your salary from 1826 to 1832 was 600 *l.* a year?—Yes.

478. The notarial fees, how much?—They average from 50 *l.* to 70 *l.*

479. What is your salary at present?—£. 450.

480. You conceive, in your case, the reduction of the salary, has been carried

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not only quite as far as a due regard to economy would dictate, but what you think a little too far?—Yes, and a little beyond that. Previously to 1832 I made several applications to Lord Palmerston's predecessor for an increase, because I conceived that 600 *l.* was perfectly inadequate for the duties I had to perform, and the expenses I had to incur.

481. From your knowledge of the duties and salaries of other consuls, do you believe that the same principle of reduction has been applied to other cases?—I do not think it has been proportionately applied.

482. That is to say, every man is the best judge of the hardship of his own case; but are you aware that all other consuls have been reduced more or less?—I am aware that they have been reduced, but I do not like to mention many circumstances which I could state upon the subject.

483. You think there might be some alterations, to make them more fair and equal?—Yes, I do; consuls who have extensive duties should be better paid, whilst the salaries of those who have smaller duties to perform might be diminished.

484. You stated that you think it would be desirable to pay the consuls by small fixed salary, and tonnage duty upon the ships that come into their port?—Yes.

485. Would you, if such a system was adopted, have the tonnage duty which is collected in all ports paid into the fund at home, and the amount distributed in proper proportions to the several consuls, in addition to their fixed salaries, or do you think that each consul should himself receive the tonnage duty collected at his own port?—Most decidedly the latter; because in receiving the tonnage duty, he is only remunerated in proportion to the duty performed.

486. Would the tonnage duty always bear the highest proportion to the degree of labour and responsibility; may it not happen that from the varying size of the vessels, and from the varying circumstances of the ports, that one consul may have much more real trouble than another, although the aggregate of the tonnage that may have entered his port in the course of the year may have been less than that of the other consul; is the tonnage a fair criterion of the amount of the duty?—I think it is the fairest; because the consul is liable to be called upon by the shipping interest for his assistance, and when his services are so required, they are often of an unpleasant kind; viz. to mediate between seamen and natives, &c. with respect to grievances, either real or imaginary.

487. Have the goodness just to describe what the consul has to do; place a ship at the entrance of the port, and state the various duties of the consul as arising out of the arrival of the ship?—Many shipmasters never report themselves at the consulate; and I have nothing to do with them except when they get into trouble, or require my services.

488. With regard to those ships, the tonnage is no criterion of the duty?—No; but I am liable to be called upon by all.

489. Suppose a master of a vessel does apply to you as the consul, what is the first consular act you have to perform with regard to that vessel?—Whatever the shipmaster requires at my hands; if he can avoid it he does, and many never apply to me at all.

490. Not in regard to their papers?—They never show me the papers.

491. It is not necessary?—The alteration of the Navigation Act exempted them from producing their papers, though I think it desirable that they should be kept more under consular control.

492. You do not visit and go on board every ship?—No.

493. Some ships re-enter the port and quit it without any occasion for your services?—Yes.

494. What are the cases when applications are made to you?—When quarrels arise between the captains and crews, and in other cases.

495. Your duty on those occasions is to a certain degree magisterial?—Yes, it is.

496. To hear complaints, and either decide or arbitrate?—Yes.

497. Those disputes between masters and men are very numerous?—Very numerous; and very often owing to the masters themselves, whose conduct in many instances is not very correct.

498. Does the law as it now exists give to the consul sufficient authority in those cases?—Certainly not. I made some remarks upon the Bill that has just been going through Parliament, which I submitted to the Foreign Office, from

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whence they were referred to the Admiralty; but I do not think that the Bill has been improved in proportion to my suggestions.

499. In all those cases which you are now describing, no great commercial knowledge is requisite on the part of the consul?—He should be perfectly acquainted with the regulations and customs of the port, with the laws of the country in which he resides, and the laws which regulate the trade between Great Britain and foreign parts.

500. And to know the nature of the contracts made between commanders of ships and their men?—Yes, if called to mediate between them.

501. You have besides often occasion, I presume, to apply to the local authorities with respect to complaints made by British subjects?—Yes.

502. What kind of cases are those?—Many cases of impositions, either real or imaginary; but it is necessary to hear both parties in order to judge between them.

503. Upon those occasions, what is it that is most required; some little knowledge of the law of the country?—Yes.

504. And the customs and regulations of the country?—Yes.

505. But those are matters that do not require any practical knowledge of the details of commerce?—No; but it is very necessary for the consul to be well acquainted with the nature of commerce, in order to serve in a situation such as mine; and I believe your Lordship (Lord Palmerston) is aware that my commercial knowledge has enabled me on many occasions to afford useful information.

506. Have you occasion frequently to refer to the minister at the Hague?—Very often.

507. For assistance when your representations do not succeed?—Yes; but in many instances I have, with the sanction of His Majesty's representative at the Hague, communicated direct with the different Boards at the Hague, by which delays have often been avoided, and matters much more easily settled; but this requires a personal knowledge of the heads of those departments, and it is obvious that in proportion to such personal influence, the information will be more or less easily and effectually gained. A consul not trading, with a liberal allowance from His Majesty's Government, must stand upon a better footing than a merchant consul.

508. In those cases in which you communicate direct, the Dutch department with whom you communicate, know that there is a British minister at the Hague to support you in case you require his assistance?—Yes.

509. Could you perform that part of your duties equally well if you were an officer acting under the Board of Trade, without any communication or authority from the Foreign Office?—Certainly not. I should not be equally respected, or have so much influence.

510. Could you perform the duty of protecting the persons, and the interests of British subjects, if you were not in official relation with the British minister in Holland?—It is always understood that, if necessary, I can ask for his interference; but upon many occasions I am enabled, with success, to address myself to the head of the particular department.

511. Conceiving yourself to be entrusted with a certain kind of diplomatic character?—Yes.

512. The application in that case was to the department, and not to the Government itself?—To the department.

513. There was still a reserve through the King's minister?—Yes, if my application should not be attended to.

514. It is part of your duty to report information of a political character to the Foreign Office?—Yes, in special cases.

515. Have you done so upon various occasions?—Yes.

516. Do you think that the trade would not object to a tonnage duty, to be levied in foreign ports?—I understand there would be great objections made by the trade to the tonnage duty; at the same time, I consider that the burthen would be comparatively nothing, while, so far as regards Rotterdam, the remuneration to the consul might be sufficient with the regular Government allowance; the burthen is more imaginary than real, and would be but little in addition to the brokerage and the ship agent's charges.

517. Such a charge would go, *pro tanto*, necessarily to increase the price of our commodities in the foreign market?—So far as it goes, but it would be to an extremely minute extent, and scarcely worth notice:

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518. Are foreign consuls paid by fees upon tonnage in the same way, so that they would be labouring under the same burthen; or would it be a burthen that British shipping alone would be subject to?—I do not know that foreign consuls are paid by a charge upon tonnage, but there are many documents which foreign ships, particularly Americans and French, are obliged to take from them, by which they receive fees, which the British consul does not.

519. Do you consider that the American tonnage, going to the port of Rotterdam, would be burthened by this system which you have stated, to an equal amount to that burthen imposed by the system of tonnage you have suggested for British shipping?—I do not think, that were a British ship subjected to a tonnage duty, she would be more burthened than an American vessel of equal tonnage is now, with the different documents that the latter is obliged to take from the American consul.

520. Does not our hold upon the foreign market frequently depend upon very small variations in our sale prices?—Certainly it does; the profits at present are not so great as they were formerly.

521. That is to say, that when profits are very small, a trifling addition to the charges would essentially diminish those profits, and render the trade perhaps no longer worth pursuing?—I do not know that there is any commodity or cargo brought to any port upon the Continent, the value of which could be affected by the application of this tonnage duty; a vessel of 100 or 110 tons would only have to pay 17 *s.* or 18 *s.*

522. What is the duty you propose?—About 2 *d.* a ton; at least for vessels regularly navigating between any two ports in Great Britain and Holland, or any other port of the Continent; for vessels only occasionally frequenting any port, a duty of 3 *d.* a ton might be a proper charge.

523. What do you mean by "occasionally frequenting"?—Sometimes a vessel goes to one port and sometimes to another; I think it proper to make a difference, because a vessel regularly making six or eight voyages in a year to the same port, ought to pay less than a vessel coming less frequently.

524. Might they not change the port to avoid it?—No vessel would ever change her destination for so small a charge.

525. Have you ever calculated what the total amount of that tonnage would be upon the trade of the country?—No, but it is very easy to do so; I have made returns of 120,000 or 130,000 tons of shipping per annum.

526. Do you suggest this as merely a mode of transferring part of the expense of the consular establishment from the general revenue of the country to the foreign trade, leaving the total amount the same; or do you propose this as a mode of increasing the salaries of the consuls, leaving the charge upon the public revenue the same, and adding to that charge this tax upon the trade in foreign ports?—I think the latter would be the fair way of settling it, levying a small tonnage duty upon vessels; letting the salaries in some instances remain the same, and in some instances perhaps reduced; I think that the consul ought in some manner to be remunerated for the services he performs directly for the Government, as well as for the services he is rendering to the shipping.

527. Are you aware previous to 1826 great complaints were made of the tonnage duties?—Yes, I know there were complaints, but these arose from exorbitant demands made by certain consuls; the tonnage duties levied previously to 1826 being uncontrolled by any Act of Parliament, and therefore arbitrarily exacted.

528. You conceive, in a place where there is a great deal to do, the whole of the consul's time is occupied in his public duties, and he ought not to engage in commerce?—Certainly.

529. In other ports, where the duty is not so heavy and incessant, and where therefore the consul might engage in commerce without injury to the public service, do you see any objection to a consul being permitted to trade, or to the selection of a resident merchant to act as consul?—I do not see any grounds of objection; but I know some merchants are opposed to this system, from the idea that it gives an advantage to the merchant consul, by affording him an insight into the concerns of others.

530. Do you conceive there is much force in those objections or not?—Not much; since the consul has but little insight, from the few documents which are presented to him; had he a full insight, it might be prejudicial.

531. It is obvious, is it not, that it may be worth while for a merchant established in business in a port to undertake the duties of consul, if those duties are compatible

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compatible with his private concerns, for a smaller remuneration than would be required for a person who went to live there for the sole purpose of acting as consul?—No doubt of it.

532. In that case the arrangement is economical to the public, if the public service does not suffer by the partiality shown by the consul to his friends?—Yes, and I think that is more in idea than in reality.

533. A vice-consul is necessary in a port like Rotterdam to assist the consul to perform his ordinary duties?—He is not required to perform many duties, excepting during the occasional absence of the consul on service, or leave. Lord Palmerston is aware that my consulate extends over the whole of South Holland, and therefore I must communicate with the different towns that may be necessary.

534. You must have had great difficulty occasionally in obtaining the information required by the questions sent to you by the Foreign Office?—Yes, I have.

535. Particularly in collecting statistical information?—Yes.

536. To what sort of quarter do you apply for that information?—Various quarters.

537. Do you not apprehend that your official relation with the Foreign Office and with the mission at the Hague gives you facilities in obtaining information that you would not possess if you had no direct connexion with this department?—Certainly. Indeed, in many instances, I have been employed by the mission to procure information, which I have done to the satisfaction of His Majesty's ambassadors.

538. If you were a subordinate officer, belonging to the Board of Trade, a department that has not itself any direct relation with foreign governments, do you think you should have the same facilities to obtain that information which you have in your capacity, from having a connexion with the Foreign Department, which has relations with foreign governments?—No; I candidly confess I think there would be much greater difficulty, and I should not be respected as I am when acting in the capacity I am now doing.

539. The obtaining that information has been a source of expense to you upon some occasions?—It certainly has upon many. I have lately transmitted to the Foreign Office various and important information, which has caused me considerable disbursements.

540. Do you happen to know the situation of consuls of foreign governments, with what department of their respective governments they are in communication; take the French or the American, or the Austrian or the Russian?—No; I really do not know. I know that the Dutch consuls, for instance, communicate with the home department at the Hague.

541. The Dutch consuls in foreign countries?—Yes.

542. What is the general scale of salaries of the foreign consuls at Rotterdam, are they higher than yours or lower?—The French consul, who has not a twentieth part of my duties, has 15,000 francs a year, or 600 *l.*, besides other emoluments to a considerable extent.

543. Do you know what the Austrian or Russian consuls have?—No, I do not.

544. You mentioned, in the earlier part of your examination, you thought it desirable that the consul should not be connected with trade?—Yes; when he has extensive duties to perform, such, for instance, as those at Rotterdam, he ought not to be in trade. The only objection to a consul, which I have before mentioned, who has little official employment, trading, is more ideal than real, because I do not think that any consul has it in his power to do much injury to the trade of others.

545. Then that remark of yours, that you do not think any harm would result to the general trade from a consul being in trade, refers to a small place, where you would have a vice-consul, and not much English trade going on?—Yes.

546. But in all cases where there was much English trade, or many English residents, you would think it better that he should not be in trade?—Yes; I think he is not capable of discharging both duties.

547. Is your objection confined to the quantity of private business he would have to interfere with his consular duties?—Yes.

548. Is there any other objection?—No, I think not; but the more respectable a consul appears the better; and I think, unconnected with trade, it places him in a more respectable situation.

549. In

549. In what cases do you think his respectability would be impaired?—He is looked upon less as a public officer than he would otherwise be.

550. And not affected by private interest?—Yes.

551. You say there was a feeling against consuls trading; is that general or not?—I do not know how general it is, but I know that such a feeling has been expressed more than once.

552. Is the feeling very general?—I do not know.

553. Do you think it sufficiently general to recommend, if you had the appointment of consul, that the individual should not be connected with trade?—Certainly; if the duties of his situation were such as to require the whole of his attention.

554. In all those cases where it is necessary to have a consul, you would recommend him to be unconnected with trade?—Yes.

555. And you would recommend a consul where British trade to any extent was carried on, or British residents to any extent located?—Yes.

556. You mentioned that you considered it was not practical commercial knowledge that was altogether requisite for a consul to have, but you consider a man practically conversant with commerce the more desirable of two individuals to be selected?—I do.

557. And, therefore, if you had the appointment of two individuals, you would be prepared to forego considerable advantage in the one, provided the other was practically conversant with trade?—Yes; my long knowledge of commerce has, I trust, rendered me more useful generally than I otherwise should have been.

558. If your practical cognizance of trade had been considered of no weight, you would have thought it treating that knowledge slightingly; or if you had an appointment to make, you would have thought the person possessing that knowledge ought to be recommended?—Yes, certainly; and I should have availed myself of that as one strong argument which I would have made in favour of the appointment.

559. You have mentioned that you consider if the consuls were to communicate direct with the Board of Trade, that they would lose certain of their authority that they have now as communicating with the Foreign Office?—Yes.

560. Supposing a consul communicated directly with a Board of Trade, and was, as the agent for the commercial affairs of Britain, backed by the diplomatic authorities in the country in which he resided, would you not consider you combined the advantages of respectability, and the power of the diplomatic authorities with a more immediate transfer of the information to the Board, for which it is eventually destined?—I do not think that it would be equally advantageous, or equally convenient for His Majesty's Government.

561. Would not the necessity of communication between the two departments at home very much increase the length of the transactions and the difficulty of them?—It is just the argument I would make use of.

562. One objection you would have to a direct communication with the Board of Trade was this, that the Board of Trade was not a Board having a distinct department of itself: might not that be remedied by making the Board of Trade in England a more efficient department; that it should be in itself an official department of the Government?—I cannot answer that question.

563. You said that the Board of Trade is a department that has no relation to foreign governments, and that you thought a consul would loose a degree of his authority if he communicated with a department that had no relation to foreign governments, and that therefore a consul communicating with an inferior Board would lose a portion of his respectability?—Yes.

564. Might not it be equally remedied by its not being an inferior Board, the consul having to communicate with the foreign Board?—I conceive that the consul would have to communicate to both Boards occasionally, according to the nature of the communications necessary.

565. You mentioned, respecting salaries, that a consul allowed to trade would do with a much less salary; that only refers to the small departments?—Yes.

566. You have spoken of the salaries of consuls; what is the trade to Rotterdam and Antwerp?—The trade at Rotterdam compared with that of Antwerp is nearly as 10 to 1.

567. Is it so last year?—I cannot speak to the last year, but it was so for some years before. I ought to remark upon this subject, that before the reduction in 1832, the salary at Antwerp was 800 *l.* while I had only a salary of 600 *l.*

 568. You

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568. You have mentioned that the Dutch consuls communicate with the home department?—I made a mistake ; I meant the foreign department.

569. Have they a foreign department in Holland? —Yes.

570. Of course I need not ask if the Dutch are a commercial country?—Yes, they are entirely commercial.

571. And particularly economical in carrying on their trade?—Yes, and very systematic.

572. In cases where merchants are appointed consuls do you conceive that the distinction of the appointment would in most cases be a sufficient remuneration without salary; is it so regarded?—Not altogether, some salary is requisite to defray the expenses of the office. Where the consular duties are small and do not require a great portion of their time, the honour of the appointment, with a sum sufficient to cover those expenses, might in such cases be deemed an adequate remuneration.

573. What is the system at Rotterdam on visas of passports ; are any fees paid upon them?—The fee established by Act of Parliament.

574. About half a dollar?—Yes.

575. It was stated by Mr. Henderson, he believed in South America the consuls of the United States have no salaries at all ; is that the case at Rotterdam?—There is only a vice-consul at Rotterdam, and I do not think he has a salary ; it depends upon his fees ; but, as I have already stated, they are considerably larger than ours.

576. Previous to 1826 you say there was a tonnage of 2*d.* a ton?—Yes.

577. You averaged it between 350 *l.* and 400 *l.* a year?—Yes.

578. Your notarial fees amounted to between 50 *l.* and 60 *l.*?—Not during that period. The whole amount of my receipts previously to the passing of the Act 6 Geo. 4, c. 87, was from 350 *l.* to 400 *l.* a year ; since that time the fees have been regulated by the two tariffs annexed to that Act, and have averaged from 50 *l.* to 70 *l.* a year.

579. It was made 600 *l.* a year in 1826?—Yes.

580. The reduction took place in March 1832?—Yes.

581. You mentioned just now that the pay of the British consul at Amsterdam was 800 *l.*?—No, it was 800 *l.* at Antwerp ; at Amsterdam it was 600 *l.*, and is now reduced to 300 *l.*

582. In all those important details that you send here to the Foreign Office you consider it of great importance, and to facilitate you by communicating directly with the Foreign Office?—Certainly.

583. I wish to ask you whether you agree with this : " It is much to be regretted that consuls should be permitted to engage in any species of commerce and traffic ; first, because the consul who, if engaged in trade, must necessarily have the choice of the market for all valuable consignments of ships and goods, must be frequently tempted to connive at, and even to countenance, in his capacity of consignee, those illegal and illicit practices which, as consul, he ought to do his utmost to prevent ; his personal interest being thus placed in direct opposition to his official duty "?—I think that that question is applicable to consuls at a greater distance from home. I can declare, that before I gave up my mercantile concerns, I never had any consignment on account of my being consul.

584. Is not that on this account, that others connected with trade, as well as yourself, do not like their papers to come before an individual similarly situated to themselves?—It may be so sometimes ; almost all merchants, and particularly the merchants of this country, have their correspondents at Rotterdam, and every vessel resorting thither, with or without a supercargo, goes to such correspondents ; but in going to South America, a vessel very often commences her voyage out, intending to proceed to some particular market, but alters her destination ; the consul is then applied to, and is much more likely to have the advantage of those consignments than consuls nearer home.

585. There is another reason ; " Secondly, because the British consul, by embarking in trade, renders himself amenable, as a merchant, to foreign jurisdiction, and becomes also, in many other respects, subject to its control ; a state of dependence incompatible with the due fulfilment of those primary duties towards his own Sovereign, by which it has been said he is bound to resist, with vigour and firmness, every attempt to infringe the rights and privileges belonging to the British nation, and again to keep his own Government duly informed of every

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remarkable and interesting occurrence, especially the equipping and sailing of ships of war"?—Undoubtedly so. The more independent the consul is, the better. I will state the inconvenience that I laboured under from that circumstance. When I was first appointed consul I was in business, and continued so for a certain number of years. When the ambassador applied for my exequatur, that exequatur was most readily granted; but it specified that I should remain amenable as a merchant and subject of the country; and at this moment I am labouring under the disadvantage and inconvenience attending that decision. I took the liberty of stating to Lord Palmerston that other consuls, who were out of trade, which I am completely out of, enjoy immunities which I do not; and it is a thing which I wish to submit to his Lordship, as worthy of some consideration.

586. The inconvenience to which your last answer alludes is that of being subject to the payment of taxes, which you think, as consul, you should be exempt from?—Yes.

587. That does not affect your independence as a public servant?—No.

588. It was in consequence of your being engaged in trade at the time of your exequatur that you were made amenable to those taxes?—Yes, and I continue subject to the same inconvenience.

589. The present hardship has grown out of that?—Yes.

590. I may understand that you consider it is desirable in all large places for the consul not to be engaged in trade?—Certainly.

591. You consider it also advantageous to the service, where there are consuls and vice-consuls, and other persons connected with the consulate department, for promotion to go among those persons who are efficient, from their greater local knowledge of the trade and interests of the country?—Yes.

592. And you consider commercial knowledge as of great importance in the appointment of a consul?—Yes.

593. Do you not imagine there are many persons who may act as vice-consuls in small places, who would by no means be eligible persons to be appointed consuls in larger towns, where larger duties were attached to them?—Yes.

594. Do you consider it would be a good system for the public service to make the situation of the vice-consul ordinarily a stepping-stone to that of consul?—Not always. I think in some cases it might; but under present circumstances it is often necessary to have a vice-consul in a situation in life that would not command respectability enough to be raised to the situation of consul.

595. You have stated that a person may often be advantageously chosen as vice-consul who is engaged in trade in the port?—Yes.

596. And who could not be removed to another situation where he could not be engaged in trade?—No.

597. In appointing a vice-consul or an agent, you have a vice-consul where you are resident, and an agent elsewhere?—Yes.

598. In making those selections, you took those most likely to perform the duty of the consulate department best?—Yes.

599. And had you to recommend, as far as your knowledge goes in that district, you would be more likely to recommend for the higher department those you put first in the inferior?—Yes, I should endeavour to select those most fit to be promoted; but with respect to vice-consuls, we have not always the power to make a choice.

600. The vice-consuls are usually selected by the consuls?—Yes; that is, they are submitted by him for the approval of the Secretary of State.

601. They are generally stationed at places where the consul does not reside?—Yes.

602. They are mostly persons resident in those towns?—Yes, of course.

603. The consuls are appointed by the Secretary of State, therefore the practical effect of making the vice-consul in one place succeed to be consul in another, would be to give to the consuls the right of nominating their successors?—No, I would not propose that.

604. Would not that be the consequence?—I do not think it would.

605. If the consul selected his vice, and if it was understood that the vice was always to succeed to him, it would be so?—That must never be; it must be with the Government to appoint; my duty is to select and submit to the Secretary of

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State, for the appointment of vice-consuls, such persons as are the best capable of performing the duties.

606. The duties of vice-consul?—Yes, and if in that capacity they give satisfaction, they might then be proper people to be promoted; but that must rest with the Government.

607. May not a man be perfectly fit to discharge the duties of vice-consul under the able direction of a consul, and yet not be in many instances the individual you should select to be consul?—Yes, I know an instance of the kind at Dort; though, on the one hand, I must say, with respect to the vice-consul at Rotterdam, that I think he would do honour to the situation in case he were eventually appointed to the higher station of consul.

608. He is more cognizant of the business of the consulate and the peculiar business of the country in which he is resident?—Yes.

609. That example you have given as to Dort must be very general throughout the country?—Yes, certainly.

William Keer Brown, Esquire, called in; and Examined.

W. K. Brown, Esq.

610. WHAT situation have you held?—Vice-consul at Genoa.

611. How long is it since you left it?—I quitted it in 1817.

612. Will you state what you know connected with the consulate department that you think might be amended, as to the arrangements?—I think in the first place that some proper line of distinction ought to be drawn, particularly with regard to the office of vice-consul, which is not so well defined as it ought to be.

613. What would you define the duties of the vice-consul to be?—Those of deputy-consul; the consul-general being at head quarters, the deputy-consul should be cognizant of the matters that belong to the consulate generally.

614. Are there any cases in which he may be designated otherwise as a vice-consul?—Yes; the French designate them at their outports merely as agents.

615. What is the difference in the duty between a consul and an agent under the French system?—The vice-consuls are specifically appointed by the government; there are two descriptions of vice-consuls, elève vice-consuls and vice-consuls; an elève vice-consul, under the ordonnance of 1760, used to be attached to a consulate-general as secretary, thence he was removed to a vice-consulship by regular promotion.

616. And no allowance made for merit?—It was a species of what they called a hierarchy.

617. A corps?—Yes, a sort of consular corps.

618. Have you been connected with the consulate since 1817?—No, I have been out of all employment since.

619. Are there any circumstances connected with the arrangement of the ports at which consuls and vice-consuls are stationed, which you would suggest as improvements?—I think it very desirable in the first place that something should be done to define the powers of consuls and vice-consuls.

620. There are vice-consuls in some places and consuls at others; is there any difference of location?—No, other than this, there was a consul at Genoa, I was the vice-consul, and there is a consul and vice-consul now; but there are seven small places where they have what they call vice-consuls, but which are in reality simple consular agents; if a vessel comes in under particular circumstances, it is reported to the consul, or any information required is written for.

621–24. Do you suppose that the consular establishment there might be lessened in a pecuniary point of view?—If an efficient consul is established, I consider that the party acting under him might be a secretary.

625. Do you know anything with respect to the appointment of foreign consuls, by which we might improve our mode of appointment?—I do not think, with regard to foreign consuls generally, except the French consuls, that they are upon any better foundation than the British.

626. Do

626. Do you conceive that the French system has worked more efficiently than the English?—Yes.

627. In what points?—First, by the regularity of their consulates and the power of non-removal of the subordinate officers; no consul can remove a vice-consul; even the consular agent cannot be removed by the consul; they are appointed by the French Government, and they are removable only by them.

628. And you think those circumstances have caused persons of talent to turn their attention to that as a means of employment?—Yes, no doubt; they are regularly trained to it under the expectation of promotion.

629. Do you know what instructions for information to send home, our consul at Genoa has; have you any papers of that kind? [*Alluding to the last printed instructions.*]—My general instructions I have not.

630. You have had nothing to do with it since 1817?—No. With respect to the question of trading, I should say decidedly that the consul ought not to be allowed to trade, and the vice-consul must be allowed to trade unless appointed at a salary; I went out as a vice-consul under Major James Sterling, of the Londonderry militia, and it was understood I was to have one-third of the fees of the office and to be allowed the privilege of trading.

631. What do you conceive the fees of office at that time amounted to?—The whole amount was 2,500 *l.* a year when I first arrived; I, as vice-consul, was to have 800 *l.* per annum, and the privilege of trading, but those fees, from a combination of circumstances, particularly from the peace made with the powers of Barbary, which destroyed the privileges of the British flag as a carrying flag in the Mediterranean, were reduced in 18 months to 600 *l.* a year. It appears to me it would be impossible to get any respectable person to act as a vice-consul, without the privilege of trading, unless he was paid a larger salary than the finances of the country would admit of; but the question is, how far the necessity exists for vice-consuls to be placed under efficient consuls in places where there are no consuls-general.

632. You have heard the different questions that were asked; is there any one upon which you would point out anything additional?—I should say, in the first place, that the consul ought not to be allowed to trade, as a preference may be given to him by a vessel arriving in a foreign port; and if she comes without a consignee, he would have an undoubted preference and advantage over all other merchants; they would consign her to the consul, knowing him to be a man of honour and respectability.

633. There were no printed lists of instructions at that time?—No, they were very vague.

634. How long were you vice-consul?—Eighteen months, from January 1816 to June 1817.

635. Did you make the regular returns?—Yes, all returns were made.

636. You made no observations connected with the trades of different countries?—No, there was nothing of that kind; after the peace every thing was in a very vague state.

637. Do you hold the present instructions to be good?—Yes, ample, provided that you have proper consuls and agents to carry them into effect; it is in vain for the Government to send out instructions, unless you have proper agents to carry them into effect, particularly as to statistics, which require a peculiar turn of mind.

638. You seem to be of opinion that the French consular system is preferable to ours; that it is better to have old consular officers belonging to the corps appointed by the Government, and acting under those orders, than to do as we do, to appoint consuls to the principal stations, and to allow the consuls to select persons in small ports to act as vice-consuls?—The circumstances of the two nations are different; my opinion is that there should be some approximation to the French system; I do not know that we are perfectly to adopt it, but some approximation to the French system would be attended with advantage.

639. You are aware in many parts of Italy there are a great number of vice-consuls acting under the consul, receiving no salary, and paid only by the local

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advantages and immunities arising from their office?—Yes, all of those vice-consuls are foreigners; we have no British subjects there, and being an arbitrary country, they know that the privileges of vice-consul would in some cases be a protection to them.

640. You would not propose at each of those places to substitute an English vice-consul, appointed by the Foreign Office and paid by a salary?—In no case; I should term them consular agents.

641. Selecting natives, or British subjects if to be found?—Yes, a British subject, by preference.

642. To what extent then would you carry your suggestion of making the vice-consuls persons appointed by the Government, and looking for promotion to the office of consul?—That I should only extend to the larger consulates, such as consuls-general or consuls in very large places, where it was necessary to have vice-consuls appointed.

643. You would apply it to where the consul and vice-consul are acting together?—Yes, and both appointed by the Government, not nominated by the consul; that the consul should have no power of removing the vice-consul at his own *dictum*, and without any control.

644. You are aware now the consul cannot remove the vice-consul?—I am sorry to say the consul at Genoa removed me, and without my obtaining any redress.

645. That was in 1817?—Yes, but I was returned under the new system, and the first returned under it; and the first instance in which the regulations were violated.

646. The new system did not exist?—The circular was dated the 29th of May 1817.

647. The present system of consuls dates from 1826?—Yes, but I do not know whether you are aware of the circular issued in 1817.

648. What then is the exact change you propose?—In the places where vice-consuls are established, and to be considered Government officers, that they should be appointed by the Government; but that we draw a line of distinction that is not drawn, for a simple secretary has been called a vice-consul.

649. If by the present practice a vice-consul is appointed by the Government, and is not removable except by the Government, have you any alteration to suggest upon that system?—A separation of the emoluments; and the question then arises how this man is to be paid, whether a vice-consul with a salary, or a privileged merchant.

650. You are aware, that in some cases vice-consuls have salaries?—Yes, small salaries.

651. Supposing they were to be lower, and consuls were to be prohibited from trading, would not the rule be very easily evaded, by the commercial transactions in which a consul is interested being carried on by other members of his family?—Yes, that would have been in my case; I went out under the principle of acting as a merchant, having been previously agent at Lloyd's at a foreign port, regularly brought up to commerce; I went out with the intention of acting as a merchant, and the consul would have expected a portion of the emoluments of the office from my acting as a merchant in my capacity of vice-consul. How that is to be obviated is another question.

652–55. At the time you were vice-consul, what were the emoluments of the consul?—£. 2,500 per annum fees, and 600 *l.* salary.

656. Do you mean to say, the consul in his own person received that?—Saving a deduction of my one-third of the fees; that rate, saving a third deducted.

657. Did those emoluments arise from tonnage fees?—It was more particularly from the grant of the British flag to Genoese vessels, in contradiction to the provisions of the Navigation Act, which grant was done away with. I beg to suggest to the Committee, there is a very considerable degree of impropriety in a foreigner being a vice-consul in Genoa; there are immense police and magisterial powers invested in Genoa in both consul and vice-consul; the consequence is, that British subjects are liable to be committed by a foreigner as British vice-consul.

658. You

658. You would define the duties of a consul as being political, magisterial and commercial?—I have always understood that there was something of a political character attached to it, but it has always been disavowed at the Foreign Office that there was anything of the kind; I can only say there must be something political attached to it; for in a circular sent out by Mr. Hamilton, it was stated, that the vice-consul should be a man of "known sentiments."

[*A paper is handed to the Witness.*]

659. Is that the paper you allude to?—Yes, that is the circular that was issued out, under which I was returned on the 28th of June 1817. I think it is an indignity, that a British subject should be committed to prison by a foreigner; and, in the next place I should contend, if there is an illegal imprisonment, the party can have no redress, for this reason, provided the Government dismisses its vice-consul for having acted illegally to a British subject, you could not bring him over to England, the Genoese authorities would not interfere, and the man would remain.

660. What power has a vice-consul to arrest and imprison a British subject?—By the laws of Genoa they will not interfere between two British subjects; if a seaman is guilty of any riot, he is brought before the consul; the mode is this, if a man has been guilty of any illegal conduct on board a vessel, the consul issues his order to take this man to prison; he is handed over to one of the sbirri, or gens d'armes, who never enters the consulate, and he takes the man to prison.

661. It is the Genoese magistrate that commits the man, and not the British consul?—The British consul issues a warrant addressed to the gaoler, and the magistrate does not interfere in it.

662. Is that in all cases connected with a British subject and a Genoese, or only in a case between two British subjects?—It would be in the other cases between a Genoese and an English subject. I recollect a dispute between an Englishman and a Genoese nobleman; they were apprehensive that a meeting would take place; the town-major arrested the Genoese nobleman, and called upon me to take the other party, or to hold him responsible, as being a British subject, that the peace should not be violated.

663. Is not a British subject liable to be taken up by a Genoese magistrate?—Not except for a serious crime, the crime of murder or robbery for instance.

664. Is it similar with respect to the people of other countries?—No; the English, French and Spanish nations, were what are called privileged nations; they have a right of exemption from all visit on board vessels; the consulate is completely sacred; and the British flag is held so sacred in Genoa, that even where a Sicilian stabbed a female, and she came into the office stabbed, they did not dare to venture on board the transport that was going to the Ionian Islands, but they came to me to get this man out of the ship; no authority from the highest to the lowest was ever allowed to step on the deck of a British ship. I went on board the vessel, and took the man out of the vessel, and handed him over to the authorities, and he was afterwards, I think, executed; but without that they would not dare to have touched the man.

665. Has the vice-consul the power of taking down the British flag at his option, and without communicating with the home office?—I do not recollect; I speak only of the inviolability of the flag.

666. What you spoke of was before the union of Genoa and Sardinia?—No, it was while I was in office; it is considered the highest privilege; I believe it was surrendered at Naples, but only upon conditions that Great Britain should have an equivalent.

Jovis, 23° die Julii, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

John Parkinson, Esq., called in; and Examined.

John Parkinson, Esq.

23 July 1835.

667. HOW long have you been a Consul?—Since 1814.

668. At the same place?—I was originally appointed to East Prussia, where I remained seven years; I was promoted to the consulate of Pernambuco, and subsequently transferred to the consulate which I now hold, namely Bahia.

669. You are aware of the list of instructions that are now sent out to consuls?—Yes.

670. When was the first time that you received instructions so full as those?—The old instructions were incomplete, namely, those issued in 1814. Those which I received when I went out as consul to Pernambuco were a little more ample, but still by no means so complete as those now issued from the Foreign Office.

671. Those you have had for only two years?—Yes, about two years.

672. Were your instructions in those to return periodical answers, or to return answers on first receiving those instructions?—Periodical returns were enjoined; they were impressed on my attention from the very beginning.

673. Have you found a difficulty in returning answers to those queries?—To some of them very considerable difficulty, particularly the statistical returns lately called for: it was a matter of great labour to collect returns, which I might presume to offer as authentic. I applied to the president of the province himself, who assured me of his good-will and readiness to accede to my request, adding, "I have myself issued peremptory orders at different periods for statistical returns, but down to this time I have not got a single return."

674. Are you aware of the system adopted in America, of instructions given to captains entering a port?—I am aware that they are much more rigid than ours. American ship-masters are, upon their arrival, obliged to give entry in the consular office, and to exhibit their ship's papers.

675. Do you hold that to be an advantageous plan?—I do.

676. From your observations of the duties of a consul, do you consider that he should be engaged in trade on his own account?—If the question refer to the minor consulates, I should think it a matter of indifference; but with the larger consulates I think the characters should be disunited.

677. By a larger consulate you would mean any port at which there is a fair proportion of British trade, or a fair number of British residents?—Yes, with the additional responsibility of political agency; such were my two last consulates, they being incontestibly political posts. Bahia is distant from Rio Janeiro, the seat of government, about 800 miles, and I have at times remained without answers to my inquiries, or instructions from His Majesty's Envoy, for two, three, or sometimes four months. So circumstanced, I have necessarily been dependent upon my own resources, and obliged to incur very heavy responsibility. In Pernambuco I was likewise so compelled to act. For the last 14 or 15 years of my consular career, I have lived under disturbed governments, witnessing insurrections from day to day, and frequently obliged to assume a prominent character, and to be very urgent and resolute with the successive governing powers.

678. Do you think that the frequent changes of governments, which, in a few years, have taken place in South America, have had the effect of diminishing the political influence of consuls in a manner injurious to trade?—I am not aware of any such effect; I think, as far as my experience goes, that in cases of emergency, His Majesty's consuls have never failed in exertion; that on their parts, there has been no want of protective aid to further the lawful commercial interests of their country, and to maintain the rights and privileges of their countrymen.

679. And that they have occasionally acted for the benefit of commerce, and by acting firmly and vigorously have aided commerce?—That is my opinion.

680. Could you mention an instance?—A late instance is that of a marine belonging to His Majesty's ship Snake: he was wilfully and barbarously murdered in Bahia, during the time of my residence in that city; the commander of the vessel officially

officially requested my interference, in order that justice might be done; I accordingly complied, and after very considerable difficulty (foregoing my leave of absence, then in my possession) remained on the spot for several months, and finally accomplished the conviction of the assassin, thereby establishing a precedent which was sadly wanted in that country, that the wilful murder of a British subject was not to be committed with impunity. A precedent the more valuable, as assassination is there so frequent, and, from a feeling of timidity, so rarely punished.

681. The British flag is over the consul's house?—Yes, it is hoisted on all special occasions. In Pernambuco, my consular residence at one period was a place of refuge for very considerable numbers, during the time that the city was besieged by the imperial troops: the town was taken, retaken, and again captured. During that period, many British residents, and numerous other persons, sought refuge in my house. For upwards of a fortnight nearly 100 people quartered themselves there, regarding the house on which the British ensign waved, as the place of the greatest safety. It is true, that several balls entered my house, but I have no reason to doubt that it was by pure accident.

682. Are the political instructions given to the consul in a written code, or left much to his discretion?—Left chiefly to his discretion, subject to responsibility.

683. With respect to the striking of the British flag, has the consul for any reason the power of striking the British flag?—I know of no written power.

684. Do you consider that it is advisable for those who are appointed consuls to have commercial knowledge?—Most undoubtedly I do. The rudiments of commercial knowledge are indispensable, whilst the practice of commerce might distract the consul's attention, and occasionally bring him in interested collision with his own countrymen. The interests of the merchant, and the interests of the consul, should not conflict, but they may, and are likely to do so, when the characters of merchant and consul are united in the same individual.

685. Do you think that the salary and fees now received by consuls in that part of the world with which you are acquainted, are sufficiently large to obtain efficient men, without giving them the permission to engage in trade?—I do not. Endeavouring to divest myself of selfish feeling, I should say decidedly that the fees and salaries at present allowed are not adequate to support a British consul, in a suitable manner, and to give him that consideration and weight, which it would be vain to expect in a newly-civilised country without something of appearance and representation.

686. They are altogether paid from out of the consulate fund at the present moment?—Yes, they are; the salaries come from that fund.

687. Do not you consider that being in that country partly diplomatic as well as consular, and consequently coming under the duty of diplomacy, an additional sum should be awarded to them, where they are expected to act as political agents?—I humbly judge so. In such posts, a consul is compelled occasionally to enter on a higher line of public duty, and to become a temporary political agent; this of necessity entails additional expense. In the minor consulates, the routine duty is of easy practice, and is burthened with no charges for representation; whilst in others, the larger consulates in distant stations, occupied by functionaries who, for distinction sake, may be designated *sea-going* consuls, the occupants are required and enjoined to wait on every post-captain or higher naval officer that anchors within their consulates, and, as may readily be supposed, they are not, and I trust they should not be, regardless of the laws of hospitality. The duty of visiting is enjoined by the "instructions" under a special order of the Board of Admiralty.

688. Do you know what are the qualifications that are requisite for a consul, for instance, the knowledge of the language and the knowledge of the country, have those generally been looked to in the appointment of consuls, or are they desirable?—They are desirable.

689. Are they necessary?—I am not aware that a thorough knowledge of the language is indispensable, unless it be the French language. I conceive that to be a passport in most countries.

690. What is the conventional language in the Brazils?—Portuguese.

691. And therefore you would hold in those appointments a knowledge of the Portuguese language essential?—Very desirable; but in conversations with the authorities, French will almost always suffice. They are nearly all men of general education.

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692. Did you understand Portuguese when you went to Bahia?—Very little.

693. Did you find any inconvenience from the want of it?—Hitherto I have not, because I have acquired the language to a certain degree, without professing to be deeply versed in it.

694. In what language do you carry on your official correspondence with the authorities?—English, under official instruction.

695. Does not that sometimes lead to embarrassments with the subordinate authorities?—As consul I rarely have occasion to treat with the subordinate authorities, the instructions under which I act leading me to treat with the chief authorities, and they are rarely ignorant of the French language.

696. Have you the title of consul and agent?—Under His Majesty's commission I have no title but that of consul.

697. Do not you think that there is an inconvenience in going over a document to be translated by the authority to whom it is addressed?—Yes, there is an inconvenience, but I think it less than the evil which might result from the use of a wrong idiom, or an ambiguous expression by the consul, in a language only partially known to him.

698. Would not that be obviated by his having an interpreter?—The interpreter should in such case be a thorough master of both languages, an advantage which falls to the lot of few men.

699. Is it not of great importance that a consul should be fitted for a particular district, as the knowledge which fits him for one district is not that which gives him the greatest aptitude for another?—I can readily conceive and admit the importance as well as the advantage to be derived from local knowledge, which may render its possessor more apt and more fit for one district than another.

700. In extra official communications, do not you think that it would be of great advantage that the consul should be able to communicate with the inhabitants of the country?—His communication with the inhabitants of the country would be generally, I presume, with persons of a certain class; the middling and the higher classes; and they are to a certain degree educated and in possession of the French language. During a long career I have found that the French language enabled me to pass in society, and to fulfil my public duties, without inconvenience.

701. In England, where a knowledge of the French is pretty generally diffused, do not you think that a man would have a difficulty in informing himself of the state of trade, for instance, with a knowledge of French?—That may be; I cannot say; but without a thorough knowledge of Portuguese I have worked on tolerably well with French at Königsberg, at Pernambuco, and at Bahia.

702. In your own case you set about learning the language on arriving in the country?—Yes.

703. Have you not found great advantage from doing so?—Not with the higher class of people, because with them I spoke French.

704. For the purpose of reading the newspapers of the country?—That degree of knowledge is soon acquired.

705. In order that a consul may be efficient, do not you think it is a *sine quâ non* that he should be a tolerable master of the language of the country in which he resides?—That he should be a master of the language I do not consider indispensable; a moderate proficiency may suffice.

706. Are not events constantly occurring in every country, the knowledge of which can be reached only by publications in the language of the country?—Undoubtedly.

707. There are subordinate consular situations in every country?—Yes, vice-consuls.

708. Would it not be desirable, in order to facilitate that point as well as others, that consuls should be promoted from an inferior to a superior situation, within certain districts?—I certainly think that the prospect of promotion is eminently calculated to lead to diligence and zeal in the discharge of public duty.

709. And if, where their qualifications were such as to make it feasible, a vice-consul felt that he was more likely to be promoted to the situation of consul than a stranger of another country, it would benefit the service and make a man more acquainted with the duty that he undertook?—Yes, I think so.

710. You are paid by fixed salaries?—Yes.

711. What are the fees?—The fees are regulated by tables A. and B. in the Act 6 Geo. 4, c. 87, founded, as I imagine, upon the American tariff. It should seem

seem that the person who compiled the tables, and put them together, was not technically and practically acquainted with the duties to be performed. In drawing out certain notarial acts, for example, under table A, "noting a protest," "one dollar" is authorised; "extending a protest," "one dollar;" "ordering a survey," "two dollars;" now ordering a survey, contains no more words than noting a protest, and if one dollar be sufficient for "noting a protest," it would be equally sufficient for "ordering a survey;" on the other hand, "extending a protest" is very ill remunerated by one dollar. By way of illustration, I may be permitted to state, that I took an account from the consular book of my predecessor at Pernambuco, of an extended protest, compiled with much care, and no small share of technical knowledge. The number of words amounted to upwards of 4,000; for that duty, therefore, the consul, after devoting a full day's time and attention to put the diffuse matter together, became entitled to a fee of 4*s.* 6*d.*, and no more, under a severe penalty.

712. You consider that a very extensive revisal of the table of fees would be desirable?—I do. I took the liberty some years since to suggest a revisal, entertaining an opinion that His Majesty's consuls in many of the larger ports would be well satisfied to forego a proportion of their salaries, provided the notarial fees were augmented, and placed on a footing of equality with the notarial fees authorized by the Court of Aldermen in the City of London, adopting that tariff as a just and regular mode of remuneration abroad as well as at home; the consuls would thereby have gained an increase of their income from the notarial source, and the parties who received the benefit of their notarial knowledge and application could not be deemed sufferers, seeing that they had to pay the selfsame sum to a consul, as under analogous circumstances they would be required to pay to a notary of London. The plan seemed calculated to diminish the public charge, without injury to the consuls, or without the chance of murmur in any quarter.

713. Do you think that either the fees or the salary should constitute the whole remuneration, or that that remuneration should be composed partly of one and partly of the other?—I think partly one and partly the other. The consuls should have something to look to as regular and fixed income; their additional receipts being derived from fees for notarial or other extra labour. A consul may perform his purely consular duty within business hours, but he must abstract from his hours of repose or relaxation certain additional hours, in order to fulfil the notarial duty. It can scarcely be deemed unreasonable to proportion his emoluments for such extra duty, to the scale adopted and approved by the merchants resident in England for similar technical or professional service.

714. Is it the custom now for the captains of vessels never to apply to the consuls unless they are in difficulties?—Very much the case.

715. And consequently, in allusion to statistical information, you have great difficulty in getting acquaintance with the trade?—I have experienced much difficulty in it, although in the ports of my residence in the Brazil, I am specially observant of vessels with reference to the slave trade; Bahia being the present focus of slave trading. Spanish and Portuguese operations centre there, and render the duty imposed upon the consul fully adequate to occupy the time and vigilance of an officer devoted solely to that duty; that cause has compelled me to be very watchful of fresh arrivals; and if the masters do not voluntarily come to me, I resort to the Act of Parliament, which requires the production of a ship's certificate of registry; by virtue of that Act I am enabled to acquire the particulars connected with the vessel itself, but possessing no legal authority to exact the production of a copy of the manifest, I am not able to forward authentic returns of imports and of exports.

716. If all captains were compelled to give in their papers immediately on arriving at the port, it would facilitate those inquiries connected with the trade?—Undoubtedly.

717. Are the powers vested in you as consul upon that coast sufficient to enable you quickly to decide upon those points, or are any additional powers, connected with what you have mentioned of the papers of ships, desirable?—I think it would be well if it were imperative on the master to repair on his first arrival to the consul; and for it to be well understood and practised, in order to relieve the consuls from the disagreeable duty of "summoning," a measure calculated to engender ill feeling; I have been obliged to resort to that measure when suspicious vessels arrived, and I do not hesitate to add my conviction, that British subjects are occasionally concerned in the slave trade.

 718. Do

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718. Do you consider that that trade is much lessened?—It is certainly very considerably lessened, but still goes on in spite of the prohibitory and highly penal Brazilian law; that law is evaded and broken daily. I left Bahia in March last, and two months before I sailed, there were above 1,000 slaves landed on the coast near to Bahia. The system adopted is this, the slave merchants enter into a compact with the justice of the peace of the district upon which they purpose to make a landing; it is his duty to prevent the infraction of the law, but instead of so doing, he winks at the proceeding, his bribe being 20 milreas a head (about 3 *l.* sterling); very many of these justices of the peace who were miserably poor, are now purchasing house property and estates, and become wealthy characters.

719. You hold that consuls should always be British subjects?—Yes, that is my opinion.

720. And that they should not, except in very small ports, be engaged in trade?—I do.

721. You say that the last instructions were forwarded to you about two years ago?—As far as my memory serves me, between two and three years.

722. Have you made returns to those instructions?—Regularly; I have never failed to do so.

723. Within what time?—Every six months.

724. Those returns are principally with reference to the commerce of the country?—Yes, they are.

725. Do you consider that they are advantageous in adding to the fund of statistical information that is in the country?—Yes.

726. Are you aware that there is a reward from the Statistical Office at this present time?—I have heard so.

727. Do you consider that the direct sending of this information to this Statistical Office, and the immediate communication between the respective parties, would be desirable for furnishing the information?—I am not aware that it would facilitate the object, except by saving a little time. The time required for the transmission from the Foreign Office to the Statistical Office.

728. Do you forward to the Foreign Office?—Yes, except with regard to shipwrecked mariners, and that I forward to the Admiralty.

729. Those parts of your duty which refer to the sea are forwarded to the Admiralty?—Yes; and with respect to civilians in distress, their cases are forwarded to the Board of Treasury.

730. Does it not appear to you, that it would be better that that part which refers to commerce should be forwarded to the commercial authorities here?—I have always understood that it was transmitted to the Board of Trade. In my communications with the Right Hon. Thomas Wallace, then Vice-president of the Board of Trade, (now Lord Wallace,) I attended at the Board of Trade for a considerable time, following the Vice-president to Buxton and Liverpool, in order to afford him what little information I had acquired on consular subjects. I found all the consular returns in that department; my own and others transmitted from the Foreign Office.

731. You have duties connected with the Admiralty, the Board of Trade, with the Foreign Office and the Treasury; two portions of this information you forward to the Boards who preside over them, the other to one Board, and through it it is forwarded to another; what are the advantages which accrue from that mode?—The returns to the Admiralty I am ordered to send quarterly; I am unable to determine why that rule was made, but they are made up quarterly, and transmitted home. The charges on account of the Treasury are notified to the Treasury annually, the particulars and accounts current being transmitted to the Treasury Department through the Foreign Office. On being examined and sanctioned there, they are forwarded to the Treasury. The consul's bill on the Lords Commissioners is then accepted and paid. Thus, in point of fact, it is the Foreign Office that determines the accuracy of the items of charge, and their conformity with the instructions under which the consul is authorised to draw for the money disbursed by him on public service. This I conceive to be a decided advantage.

732. Do you not consider, that this information, and the instructions given to the consuls, being principally with reference to our commercial importance, the persons who sanction that expenditure or pass those accounts should be more immediately those connected with the trade?—It may appear to be so, and I should decidedly entertain such an opinion if I were not aware that the papers which

which the consuls transmit on subjects of commercial importance, do in reality find their way to the Board of Trade.

733. But you consider, for the beneficial effect of the service, it is advantageous that they should find their way to the Board of Trade?—Yes.

734. And you do not see any advantage in their not going direct there?—No, unless the advantage that may accrue from enabling the Principal Secretary of State to check the expenditure of the consul and to judge of the intelligence and zeal of his subordinates.

735. Are you aware that there might be very valuable statistical information so forwarded home, published for the benefit of the world at large?—I am persuaded that such statistical information might be collected and turned to valuable use.

736. Do you conceive that the instructions within the last few years have been so very much improved, that the information obtained will be better than it has been?—Decidedly so. I consider that the consuls have been rendered much more efficient than they were.

737. You mentioned respecting the hours of official attendance, and notarial duties at other times; are written instructions given to you as to the hours of attendance?—No, they are not; but in all the numerous consular offices that have come under my observation, a notification of the regular hours of attendance was exhibited; the hours being from 10 to 2. With regard to my consular office, the clerks are in regular attendance from 10 until 2; I generally reach it at 12, having previously written and despatched my public letters to His Majesty's envoy at Rio Janeiro, or to His Majesty's Principal Secretary of State, as circumstances require. The routine matters of entering or clearing vessels, receiving complaints against seamen, and other common-place drudgery of a consul's duty then follows, and the office is kept open frequently till five and even six in the evening. I hope to be allowed to add, that after those hours, and indeed at all hours and on all days, I am readily accessible, and willingly disposed to the performance of duty. Holidays, as far as a consul is concerned, are very few indeed in Bahia. Multiplied acts of oppression and minor offences keep him on the *qui vive*. Such must be the case in partially civilized countries; and it may be safely affirmed, that a British consulate is no sinecure there.

738. Are all acts and instructions that are passed in this country, or connected with the country in which the consul resides, open to the inspection of any British subject that has occasion to apply to the consul?—I have never withheld such acts and instructions from the inspection of any British subject, saving only such instructions as were in their nature private.

739. And the tariff and consular acts the consul is bound to have copies of?—Yes, they are permanently affixed in the office, according to the enactment of the 6 Geo. 4, c. 87.

740. Should the private affairs or pecuniary concerns of the consul be taken cognizance of by the Government, that is, would it be desirable, upon the appointment of a consul, that he should be obliged to make an affidavit or some statement that he was not in embarrassed circumstances, and therefore not so competent to act as a free agent?—I should deem such a regulation very wholesome.

741. But such is not the case?—Not to my knowledge.

742. You stated that you thought it undesirable for consuls to act as merchants except in small ports, have you seen any practical difficulties from consuls so acting?—I have not had much experience of ports in which British consuls are merchants, and therefore am not competent to point out cases in which the duties have not held well together; but it is easy to imagine cases, in which the duties may conflict, and the interests pull different ways.

743. Is your opinion founded on reflection, or on actual observation and reflection?—It is founded upon the observation of litigated cases that have come under my own view, wherein had I been a *merchant-consul* I might have been placed in an embarrassing situation, my interest pulling one way, and my duty another.

744. Have you seen consuls acting as merchants put in those situations?—No, I have not; but, if I may be pardoned for the observation, mercantile consuls do not enjoy quite the same consideration as the unmercantile.

745. Are they not respected by the authorities?—They are not, to the same degree, being subject to many disagreeable contingencies, from which a non-commercial-consul is free: I have seen custom-houses conducted on principles of aban-

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doned venality. A private trader may yield to the temptation, deeming it a venial transgression to profit by the weakness of a government, and the want of probity of its officers. He may be detected, and have to fight through difficulties in which it would ill become a foreign accredited functionary to be involved. A consul ought not to profit by the venality of the courts of justice, and extricate himself by resorting to bribery.

746. What is the meaning which you attach to profiting by the venality; are the courts of justice venal?—The courts of justice are notoriously venal. An honourable exception being the tribunal of the British judge conservator.

747. What species of employ is it that you refer to when you speak of the consuls profiting by venality?—I alluded more particularly to the custom-houses of the country, in which, till very recently, it has been the practice to bribe the custom-house officers or agents. During the whole time that I was at Pernambuco, the system was in full vigour, the custom-house officers and the clerks of merchants being in league to pass goods under false denominations, in order to admit them at lower duties, and they generally succeeded in reducing them to one half. Thus reduced, the profits were divided, leaving the clerks of the Custom-house half the spoil, to requite them for the miserable pittance allowed for salaries.

748. Do you know of any instance in which the consul, accredited by this Government to the Government of another State, has been a party to any such transaction?—I fear that I have made myself ill understood; my object was to convey a totally different meaning, and I assure the Committee that I know no consul who has been or is likely to be placed in such a false position.

749. He might be tempted?—If he combined the characters of merchant and consul, he might be tempted to do it.

750. Were you restricted from trading at Pernambuco by instructions from the Foreign Office?—Yes, I was.

751. In the event of the regulation being laid down, which you suggest, of consuls being debarred from trading, should you think it necessary that any individual of their families should be restrained from trading; would it be possible to suppose a consul detached from his brother or his son?—It must depend upon the delicacy of the individual. If the consul should be disposed to violate the regulation, instead of his brother or other member of his family, he might establish a house in the name of a perfect stranger, himself or his relative being the virtual proprietor of the firm.

752. Does it not sometimes happen that consuls are sleeping-partners in commercial houses that go by other names?—I have heard that such cases exist, but I cannot say that I have any knowledge of them.

753. If such cases exist, the regulations with respect to preventing consuls from trading might not be very effective?—They might not.

754. What is the station of the North American consuls?—They are generally traders, sometimes in a very small way. At the port of Bahia, the American consul deals in pork and beef, &c. &c. &c., and is in reality the obsequious servant of the ship-masters. To obtain their custom, it is obviously his interest to be their humble servant.

755. At Pernambuco what class of person is the American consul?—He is a merchant.

756. Is he an Englishman?—An American citizen.

757. They have no salary?—No, but their fees are larger than ours.

758. Are you aware of the practice in Europe, or what class of persons are consuls?—No, I am not.

759. Have the North American States much trade with those places that you have been speaking of, with Bahia?—Yes, very considerable trade, but the trade is falling off.

760. Do you consider that the American consular agents are efficient persons?—At Pernambuco I consider that the consul was efficient.

761. And there he was a merchant?—Yes.

762. Do you know of any inconvenience arising from his being a merchant?—I am not aware of any; he had a very diligent partner in the firm, and confined himself much to his duty as consul, a duty very limited compared with that of a British consul.

763. You heard no complaints of unfairness?—No, but I have heard of disputes on matters commercial.

764. When

764. When did you leave Bahia?—In the month of March last.

765. You stated that the difficulty with the captains was in the communicating with the superior authorities; is there any land post communication between Bahia and Rio Janeiro?—No.

766. Is the trade an increasing trade?—Yes.

767. Are you aware of any port in the Brazils where we have not an agent, and where it is desirable that one should be established?—We have no consul in the island of St. Catharine.

768. What are the ports in which the trade is increasing?—Maranham, Pernambuco, and Bahia, and Rio de Janeiro, especially from the increasing growth and export of coffee.

769. At those consulates you very often interfere as conciliator in disputes between British subjects?—Frequently.

770. And sometimes act in the character of magistrate?—Very frequently indeed.

771. Are the Acts of Parliament constantly sent to you to enable you to act as a magistrate according to the laws of England?—Chiefly those that relate to commercial and naval subjects.

772. Would it not be of great convenience to consuls that a copy of the statutes at large should be in their possession?—I should have found it very useful on many occasions.

773. You have been asked whether you do not think it of first importance that you should directly communicate with the Board of Trade; has it not sometimes occurred to you that communications connected with commerce have not received immediate attention at the Foreign Office?—I could not attribute any delay to that department, from not knowing whether they were sent or not; I was ignorant of the procedure at home; knowing only that my despatch went off at a certain date, and that as a matter of course I remained three or four months without an answer. It was not within my competency to judge whether there was any delay at the Foreign Office, or at the Board of Trade, or indeed in any department.

774. Did it appear to you that the commercial engagements were deemed so important as the diplomatic?—I have no reason to imagine that there was any difference made; I conceive that the Office estimated the importance of the communication, and fairly assigned it its due weight.

775. In the cases of diplomatic and commercial communications, from whom did you ordinarily get the speediest answer?—I never made any calculation.

776. Do not you think it would be a great advantage to consuls, independently of a means of direct communication with the Board of Trade, if the Board of Trade were enabled to communicate to the consuls, and through them anything of importance to the merchants in the ports where they reside?—I am not competent to say that I think there would be any advantage beyond that resulting from the present system. The modifications of our commercial policy have been successively forwarded to my consulate; the last was I think an order to allow the importation of tobacco from the Brazils in less bulky packages than formerly. That information was transmitted from the Foreign Office by very early conveyance.

777. The communications you receive are Acts of Parliament respecting commerce; but are there not a great many facts connected with third nations which may have an effect upon the place where the consul resides: for instance, a treaty between Russia and France might act remotely upon the Brazils?—Many of the treaties I know have been sent out to the consuls; in the consular office of Bahia we have a large mass of public papers of that description kept in the archives. We are directed to preserve carefully, and we do so as well as the cockroaches will allow us.

778. Would it not be a great benefit if there were a regular communication between the consuls as commercial agents, and the source of commercial agents here?—I cannot assert that it might not be attended with benefit.

779. Are captains of British merchantmen obliged to apply to the consul before they clear out from the port of your residence?—Yes.

780. Do you conceive it of importance to the public service that they should be obliged by law to make that application regularly and without exception?—I should think so.

781. Are you not of opinion that the interests of the public service are best provided for by the consuls being under the management of that office to which the

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direction of His Majesty's foreign affairs is generally entrusted?—I humbly think so.

782. You say that your instructions prohibited you from trading in your own name at Bahia, should you have thought yourself at liberty under those instructions to take part indirectly in the transactions of any commercial house?—I should have thought it a great infringement of delicacy, if not an actual breach of duty.

783. Is it the practice within your knowledge of any foreign state to have regularly salaried consuls in the countries with which you are acquainted, besides Great Britain?—Yes, France has.

784. Is there any other?—I think no other.

785. Do you believe that the mercantile interests of this country are better protected in foreign ports than those of the United States of America?—Their commerce is so much more simple than ours that there is little difficulty for them; scarcely any difficulty can arise at Bahia between the American citizen and the authorities of the place; they bring a certain number of barrels of flour, the duty on which is easily computed; those duties being paid, there are no points of collision. With our merchandize, on the contrary, importing calicoes and muslins, and valuable articles of different degrees of fineness, as we do, there are constant battles between the merchants and the custom-house, the custom-house attempting so to classify them as to oblige the merchants to pay higher duty, and the merchants attempting to reduce them to their standard.

786. Then the only difference is that which arises out of the variety of the articles brought by the British ships to the Brazils, as compared with the few articles imported from America?—Truly, together with the very great difference of value. The commerce of other nations is perfectly insignificant compared with ours. In the ports of the Brazils even the commerce of France is trifling.

787. Is there not always a difference between the American and English consuls as to respectability, and the opinion of the authorities towards them?—The general feeling in those countries would seem to place the British consul foremost. He has to espouse far greater commercial interests, and he is backed by a far higher power than any other consul.

788. Do not the Americans bring a cargo of assorted goods to Bahia?—A good deal of tea, together with trifling goods which pass by the familiar title of American "notions;" a whole cargo being scarcely worth 1,500 *l.*, whereas many Liverpool cargoes are worth 30,000 *l.* or 40,000 *l.*

789. Is there not any article of American cotton imported?—The Americans formerly imported a low-priced cotton manufacture, called "domestics;" that trade has fallen off very much.

790. Since what period?—Since five or six years.

791. If there were a division of your correspondence, the political and trading to be sent to different offices, would that not be in some cases difficult to distinguish; would you not feel it difficult in a complicated transaction to decide whether it should go to one office or another?—Yes, I conceive so.

792. That would be an objection to transferring the correspondence of the foreign consuls from the Foreign Office?—Yes.

793. Do you find that objection connected with the correspondence direct to the Admiralty or the Treasury?—No, the subject matter is so simple in itself.

794. Which do you consider the first and paramount duty, the political or the mercantile?—I conceive the mercantile is the first duty, the political is superinduced by the circumstances of the country.

795. As you are acquainted with the business of the consuls in other countries, have the North American consuls any political duties?—I have no means of giving an authorised opinion.

796. But your own political duties are subordinate in ordinary cases to commercial questions?—The infractions of treaty constitute a large portion of the duty.

797. Are not the cases, for instance, in which you have to protect the rights of the British subjects against the violation of treaties, rare, compared with the ordinary every day interference by the consul in ordinary affairs?—Not so very rare.

798. What duties belong to your office as consul which you consider purely diplomatic?—Acts of oppression or infractions of the treaty existing between the Brazils and England, compel the consul for the time being to act in a kind of political

tical character, to assume an importance that at other times does not attach to him. This arises from his post being so widely distant from His Majesty's envoy at Rio Janeiro. In cases of emergency it would ill become him to remain passive, to neglect matters of magnitude, and to shelter himself from the reproach of indifference and the risk of responsibility under the plea of "want of instructions."

799. You have now stated what you consider to be the purely diplomatic duties of a consul, have you any other diplomatic duties that would be considered of a mixed character, *quasi* diplomatic?—In cases of difficulty with regard to the vessels of war within the port; where obstacles are thrown in their way, I imagine that the consul is bound to act in some degree as a political agent, and not to address the president as a commercial agent would do.

800. Will you state what you consider to be the magisterial duties of a consul?—The magisterial duties, that is to say, a large portion of them, relate to quarrels between masters and seamen, a very disagreeable portion of duty, and one of constant occurrence. A consul is then obliged to hear a great deal of painful crimination and recrimination, and to witness a great deal of barbarity.

801. Do you consider also the notarial duties to be magisterial?—Yes; I consider them to come within that class.

802. What do you consider to be the purely commercial duties; are there any other, and what duties belonging to a consul, that you consider to be purely commercial?—I should imagine, that the purely commercial would be cases in which the custom-house, as I have before stated, assumes that goods do not come within the designation or classification of the merchant. The merchant in consequence appeals to his consul, whose duty it becomes to maintain the merchant's rights in conformity with the true and lawful stipulations of the tariff.

803. If you do that, what is the result of that communication, do not you then assume a diplomatic character?—Yes, in case of a failure with the subordinate authority, my practice is to resort to the president, addressing him officially, and in the event of failure, to communicate forthwith with His Majesty's envoy.

804. Should you call that a commercial transaction, in which to obtain the result, you must assume a diplomatic character; if you had a dispute with any Government, must you not, before you can obtain the result, take upon you certain diplomatic duties?—Had I succeeded in first applying to the commercial authority, the transaction would have been purely commercial, but failing, it assumes another quality, and becomes what a Right Hon. Member of the Committee has characterized as *quasi* diplomatic.

805. Has the consul any power of taking charge of a ship and cargo if stranded upon the shore, in opposition to the wish of the captain or consignees of the cargo?—Not in opposition, I believe.

806. Have you ever had instances of the necessity of interference with a vessel stranded, where you acted in opposition to the wish of the captain or the consignees?—No, there is no instance within my recollection of opposition on the part of the captain and the consignees.

807. In case of an absolute wreck, suppose that the captain and the consignee were drowned, would your right as a consul to take possession of the vessel be recognised?—Certainly.

808. Supposing the captain was saved, and the vessel saved, and the cargo saved, would the consul have a right to interfere?—I conceive it would be his duty as consul to interfere for the benefit of all parties concerned; for the absent parties, whose interests he alone is authorized to espouse and maintain.

809. The case alluded to is, where the captain and all the crew were saved, and the vessel was saved, but the consul acted in taking charge of the vessel in opposition to the wish of the captain and the consignee, either in practice or in law, what is your opinion?—Supposing the consignee to be the sole party interested, then by interference I imagine that the consul would assume a higher power than he is authorized to exercise, but supposing a vessel arriving from the port of London to the port of Bahia, to be wrecked in the vicinity of the latter port, it may be assumed, that she carries the property of very many shippers, directed to many different consignees.

810. Where the captain and all the consignees wish the vessel to be placed under the charge of any particular person, has the consul a right to take it upon himself?—I should think not.

811. Supposing a British subject dying, what is the duty of the consul with respect to his property?—I conceive that if the person should die with a repre-

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sentative on the spot, which representative is ready and disposed to enter into lawful security for the due administration to the property, it would be the duty of the consul to allow such representative to administer.

812. Is his property subject to the laws of the country, or can he dispose by will of such means as he possesses in that country?—During my residence in the Brazils there has never been a case in which the authorities of the country succeeded in interfering.

813. In those cases which came under your knowledge, did the persons devise their property by will, or die intestate; or did you make any distinction between the two cases?—I have had but one case of "devising by will;" all the others were intestacies free from Brazilian jurisdiction, and passed free from duties.

814. What regulation is there about the interment; have the English separate burial grounds?—Yes, at Bahia and Pernambuco; and the consul in reality represents a chaplain, and has very arduous gratuitous duty to perform.

815. Do you perform any marriages?—Yes; I have ministered baptism in cases of emergency, and solemnized marriages.

816. You were asked which were purely diplomatic, and purely magisterial, and purely commercial duties; you hold commercial, diplomatic and magisterial to be the three classes into which you divide the duties of a consul?—I do.

817. Would you not consider, that the whole of them are to be principally dealt with, with a view to the furthering of the commercial interest?—Unquestionably.

818. In reference to consuls trading, do you find that strong feeling exists upon that subject against it, where consuls are permitted to trade?—No, I rather think it seems to be a matter of indifference.

819. Have you any reason to believe that the citizens of the United States of America are less efficiently protected in the Brazils in their pursuits there than British subjects are?—Certainly not.

820. But the interests of British subjects are much more complicated?—Yes.

821. The question refers to cases of alleged wrong on the part of any of the Brazilian authorities, or of individuals in the Brazils; whether or not the American citizens are not as efficiently protected by their consuls as British subjects are?—They are, in my opinion, as effectually protected; but I should hardly say by their consuls, for the fact is, that the North American commanders are so ready to resist aggression, and the people of the Brazils so well understand it, that they take care to treat the citizens of "the States" more leniently than they do the English or other foreigners.

822. Are the Committee to understand, that the American citizens do receive efficient protection in the Brazils, arising out of a conviction, that unless they are so protected, the American Government will interfere?—Such is my opinion.

823. Do you think that that opinion is quite so strong with respect to the interference of the British Government in favour of British subjects?—No, I do not; because it appears to me, that the authorities there conceive, that we rest upon the privileges guaranteed by treaty, and that we abstain from the prompt and unceremonious exhibition of force, in practice by the Americans.

824. Is it not a fact then that in cases of negotiation, in matters of the kind to which you have been alluding between British subjects and the authorities in Brazil, there is a greater disposition to evade or procrastinate settlement in cases of British subjects than there is in cases of American citizens?—So I conceive.

825. And that in point of fact it appears by your statement, that American citizens do receive more ready and prompt attention to their complaints than British subjects do?—I have known instances of the established rules and police regulations of the place being violated by Americans with comparative impunity; trifling misdemeanors, which would have been visited with severe and barbarous punishment, had the parties been British subjects.

826. Have you ever had an opportunity of personally forming an opinion as to what the efficiency of the British consular appointments was before we had recourse to the system of salaried consuls?—No, I have not had any such opportunity.

827. Are you aware that one of the causes of complaint under the old system, was, that there was no established rate of fees, and that consequently the merchant consuls might charge pretty much what they chose; can you state what difficulty would be likely to occur in case of the appointment of merchant consuls, with an

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established rate of fees and charges, which admitted of no variation?—I was no aware of the causes of complaint under the old system; as regards the employment of merchant consuls, under a newly regulated system of fees, I conceive that there would be no difficulty, saving the inconveniences which I have respectfully pointed out, as likely to occur by uniting conflicting interests in one and the same person.

828. You see no other difficulty than that which arises or which may arise from the mixed character of his public appointment, and that of his mercantile employment?—I do not.

829. Are you, as consul at Bahia, under the orders of the consul-general of Rio de Janeiro?—There is no longer a consul-general in the Brazil.

830. Then you are an independent officer under the orders of the Foreign Office?—Yes, but expressly instructed to attend to the directions of His Majesty's envoy at Rio de Janeiro.

831. What is the amount of your salary?—£. 800.

832. Have you any other emolument?—Yes, the fees last year amounted to about 500*l.*

833. Altogether your salary and emoluments amounted to 1,300*l.*?—Yes.

834. Has that been reduced?—When I was appointed consul, upwards of 20 years ago, I had 700*l.* with fees, making my income 1,000*l.*; I was then removed to Pernambuco with a salary of 300*l.* a year, and the emoluments, which gave me an income in 1825 of nearly 3,000*l.* That was reduced, on passing the Act of the 6 Geo. 4, c. 87, and a salary of 1,200*l.* was established, together with the fees, which amounted to 400*l.* or 500*l.* more. Since that, my salary has been reduced to 800*l.*

835. Is it not the consequence of those appointments that a public officer so created considers himself in some degree obliged to live in a manner which involves him in more expense than if he was not in a public capacity?—Unquestionably.

836. The Committee have before them two despatches sent from yourself at Bahia, dated the 1st of May 1832, and the 7th of May 1833; the Committee perceive that you there complain of the inadequacy of your salary?—Yes.

837. You state that that reduction, if carried into effect, would be inadequate; "the British consul would be obliged to shrink from the circle in which he has hitherto moved in rank, being in fact the true sphere of his utility as an observer, and a reporter;" did you find that to be the case?—Yes, I did; and I was obliged to reduce my style of living as quickly as I could.

838. In your second despatch, you complain of another change with respect to the currency, which you say made a further reduction of full 10 per cent.?—Yes.

839. Did you find in practice that that occasioned a reduction of your income to that extent?—Yes.

840. Did you find that reduction in the currency equally injurious to others?—Yes, to every householder or merchant.

841. In this despatch, you say "that the British consul at Bahia is not to look for sympathy or willing succour under successive governments;" did you find much difficulty in dealing with them?—Great difficulty, from the indisposition, and the jealousy of the authorities.

842. You state also, that "those governments are distinguished only by lesser or greater degrees of weakness and venality"?—I am sorry to say, that I believe so still.

843. Has any change for the better taken place since the fall of Don Pedro?—The President in office when I came away, I conceive to be a superior man, and better calculated to forward our reasonable and just interests.

844. Did you find any increase of salary in consequence of your representations?—None.

845. And you found great inconvenience?—Yes, I have been compelled to send my family away; I could not live there otherwise than as an obscure individual. My family quitted me about a twelvemonth ago; I have since lived as a solitary being.

846. Entirely in consequence of the reduction of salary?—It would be unfair to say entirely in consequence, because my wife was exceedingly ill; she nearly died from the effect of climate; but looking at the state of her health, and the impossibility of living there upon that salary, we united in the expediency of separating,

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rating, and sending my family to Europe. When Mr. Canning brought in the Act of 6 Geo. 4, c. 87, he wrote me word that I should find my salary reduced to 1,200*l.*; but that I must take into account, that I had become entitled, under the Act, to the full benefit of the advantages provided for superannuated civil officers of the Crown, and that I was at liberty to trade. I never availed myself of such licence. Instead of remaining at the 1,200*l.* per annum, after the heavy reduction from nearly 3,000*l.*, a still further reduction followed, namely, the reduction to 800*l.*; the result therefore is, that after 20 years of arduous and zealous service, with health and strength exhausted by long residence within the tropics, I find myself fixed at the same amount of income as I enjoyed when I started as a younger man, and was stationed in Europe.

847. Did you find the expense of postage burthensome?—No; the packet mails convey the consular despatches. I act as the post-office agent. The duty is very considerable, and is accompanied by no emolument whatever.

848. You have stated that you consider it to be a matter of great importance that gentlemen of mercantile knowledge should generally be appointed to consulships; to what duties, as already explained to you, do you consider that that mercantile knowledge is particularly applicable?—In the matters of appeal that are made by the British residents in cases of difference upon commercial points, were the consul not in some degree acquainted with the theory of commerce, and somewhat versed in mercantile practice, he would be unfitted to give counsel and advice, which it is his duty to afford.

849. Will you state any hypothetical case of a dispute that would arise in your consulship which would require considerable mercantile knowledge in order to enable you to give mercantile advice; presuming that a gentleman who acts as consul is a man of general knowledge and information, will you state the case in which great commercial information must be superadded to that general information in order to perform the duties?—Questions of interest connected with complicated accounts; questions of exchange and of purchases effected or not effected. A consul may be called upon to determine upon the true and equitable meaning in many similar matters. A case may be supposed in which an "order" ambiguously worded has given rise to a disastrous result, and to doubts, honest or dishonest as the case may be, which doubts, and all the heavy dependent interests, are referred to the judgment of the consul.

850. Would not that construction of an order require as much legal knowledge as commercial knowledge; will you state some case, which ever has occurred or is likely to occur at any port, in which great acquaintance with the transactions of commercial business, renders a man more fit to be a consul than any other person?—I cannot at this moment call to my recollection any distinct case, or one that I can off-hand describe in sufficiently clear terms; but I do think that on reflection such a case might very reasonably be framed. Without affecting any profound knowledge of commerce in all its branches, I beg to state, that whenever a difficulty has occurred to me on practical points, I have sought the matured judgment of a senior merchant of acknowledged high character.

851. The great mass of cases before you consist of magisterial cases, or of duties partly diplomatic?—Yes.

852. The purely commercial cases are very few?—They are so.

853. Would not any gentleman of good understanding be able to acquire as much commercial knowledge as would enable him to discharge the duty of a consul in a few weeks attention and study?—Yes, I should think so.

854. There is nothing so abstruse or difficult as to require more than a few weeks attention?—No.

855. In fact, as the duties of the consul do not require so much skill and knowledge as would enable a man to be a merchant, those duties of a consul are much more easy of acquirement than the duties which would enable a man to trade for himself?—I do not imagine that they are easier; some allowances will be made for him. He can hardly be expected to prepare himself thoroughly well in a few weeks.

856. How long time would that occupy?—I should think that a training or apprenticeship of two or three years might fit him to do his duties well.

857. A man of commercial habits and acquaintance, having a mind conversant with business, is a more likely man to be efficient as a consul, than one whose general attention has not been so much turned to commercial affairs?—So I should judge.

858. Do not you think that the more commercial knowledge a man has, he would be the more fitted to correct commercial defects?—Yes.

859. Do you think a man not having that commercial knowledge would have his mind turned to the opening of new channels of commerce?—I can hardly imagine that a man without commercial knowledge would have his mind turned to such matters.

860. Supposing a man who had been in the militia for many years, do you think that he would acquire those commercial habits?—I do not think that he would very quickly acquire commercial habits.

861. Supposing a man who has been unsuccessful in business, whose whole habits have been turned to commercial transactions, would it not require a considerable space of time before that person would acquire a knowledge of the diplomatic and magisterial duties which he had to perform?—I should think not; a man of business well versed in commercial matters I should think likely to seize hold of the new duties very rapidly.

862. More rapidly than a man of general information would be able to seize upon the commercial duties?—Yes.

863. You think that a knowledge of his commercial duties is more difficult of attainment than his other duties?—Yes.

864. Is that the case with all consulates?—Yes, of those within my knowledge.

865. Had you any knowledge of commercial transactions before you were appointed as consul?—But very moderate. The duties to be performed in the consulate of East Prussia were of small moment; far from weighty; and therefore I had but very little difficulty in getting through them, including the commercial portion.

866. You would recommend that a person should be first of all appointed to a smaller consulate?—Yes, on the system of the French, as "*élève consuls*," under acting consuls, and brought up as it were under their wings, and acquiring a knowledge of the routine duties. In the course of a year or two they might be very competent to act as temporary agents.

867. What was the seat of the consulate in East Prussia?—Königsberg.

868. You have spoken of the duties of the consul; what do you consider to be the duties of a consul, independently of those positive implied official duties which relate to affording protection to English subjects, and to carrying to the Government complaints of the merchants; do you not consider that it is the duty of the consul to inform himself about the state of trade in the place in which he resides, to inquire into the state of the custom-house laws, to ascertain the duties, and to afford home all the information in his power, which may enable the Government by him, or through the consul, to press for such commercial alterations as may prove beneficial to the trade of this country?—Yes, I certainly do; and the objects that have been described in the question are in a great degree accomplished by the consuls on their going out to their respective appointments. I have been in three consulates, and on each change, on arriving at a new post, in conformity with instructions to that effect, I transmitted to the Foreign Office a long and detailed account of the state of the commerce in the country, and adverted to the various points just specified. It is equally done, I believe, by all consuls; that is the first step in their career of duty.

869. Do not you think that the means towards this object enjoyed by a man whose attention, during a great part of his life, has been turned to commercial pursuits, either in the country in which he is consul or in some other place, are likely to be much greater than the means of a man unacquainted with the commercial pursuits; for instance, a half-pay officer, or a clerk in the Foreign Office, or any gentleman taken from other pursuits, whose attention has never been practically directed to commerce?—The purely commercial part of the duty would have a chance of being better and more satisfactorily performed by merchants.

870. Do not you consider that a very important duty of the consul is not only procuring information, but endeavouring to sound the feelings of the people in the country, and opening new commercial channels to English industry?—Yes.

871. Do not you think that one of the first objects of appointing consuls is to afford protection to the British subjects in the place to which he is sent?—Yes.

872. Do you think that the merchant is more likely to obtain that protection from the government of the country in which he is, than a person of general education, and who has not been in trade?—I can hardly figure to myself that he would be more successful than a person of general education and knowledge of the world.

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873. With regard to the diplomatic duties, do not you think that the diplomatic duties of the consul would be better discharged by a person of general education than by a person who is a mere merchant?—Conceiving that diplomatic duties falling to the lot of a consul are of a very subordinate description, I conceive that they would be as well performed by an intelligent merchant.

874. When you say subordinate, you mean that those duties are fewer than the commercial duties, but that they are not subordinate in any other respect?—They are certainly fewer than the commercial, and I should say of secondary or subordinate importance as compared to the duties of an envoy.

875. Do you mean to say that a consul, having commercial as well as diplomatic duties to perform, the diplomatic duties are subordinate and inferior to his commercial duties?—I meant to say that they are only subordinate and inferior as compared to the duties of a recognised diplomatic agent.

876. They are minor diplomatic duties?—They are minor diplomatic duties.

877. There are instances to the contrary, are there not?—There are.

878. Are you chiefly acquainted with the consulates in South America?—Yes; I have been there 15 years.

879. Are there considerable diplomatic duties to be discharged by the consuls there?—There are, unquestionably. There exists great difficulty in receiving information and instructions from the higher authority, namely, His Majesty's Minister. During the time I was in Pernambuco, there was a succession of wretched governments, and violences and arbitrary conduct prevailed; breaking open British houses, and maltreating British subjects. Such proceedings forced on me a kind of *quasi* political duty.

880. Do not you think that the circumstance of a consul corresponding directly with the Minister for Foreign Affairs in this country, is a means of giving him an influence in the place where he is?—Most assuredly I do.

881. The American consuls you say are purely commercial?—Yes, so I believe.

882. But the American subjects do not find any want of respect to them though their consuls are not diplomatic, because the Americans always protect their subjects when aggrieved so immediately, that that has the same beneficial effect upon life and property which the circumstance of the consul being diplomatic as well as commercial has in the case of British subjects?—Yes; the course which the North American powers have adopted in Southern America has been so decided, and their representations and threats so firm, that the temporary authorities of Bahia and Pernambuco look upon them with apprehension: fearing that if justice be denied that they might calculate on measures of a strong character. This feeling and belief operates strongly in favour of the United States citizens.

883. So that the American subject is protected with a consul purely commercial, just as a British subject would be with a consul partly commercial and partly diplomatic?—Yes; and having a tribunal of our own, namely, the Court of the Judge Conservator of the English Nation.

884. A question has been put to you as to the comparative quality of a gentleman of general information as a consul and a mere merchant, in your experience have you not found that merchants are men of as much general information as other people?—That I am ready to admit, but as much of their attention in life has been directed to the great objects of commerce, it necessarily becomes a paramount object of their thoughts and energies.

885. Does not his occupation, where a man is a foreign merchant, necessarily lead him into a more general acquaintance with the habits and customs of foreign countries, than the occupation of a person who has been engaged in a profession in England?—I should think that very likely; no doubt it would be so compared with a person who has not quitted his native land, and has not had intercourse with foreign nations before his appointment to public duty. The case, so stated, is altogether in favour of the merchant.

886. But if he has travelled and has seen foreign countries, and has had intercourse with mankind, he is as fit for that office as the mere merchant, is he not?—I should think so.

887. Supposing two individuals, both of them having travelled through various countries, one of whom had been brought up to habits of business and commercial occupations, and the other brought up to a profession, either the army or navy, each of them having equal facilities for obtaining information, the one's mind having been directed to business qualities and the other to a profession, both of them having had opportunities from acquaintance with the world to obtain information,

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would you not think the one who possessed the commercial education as well as the other was more fitted for consul?—He would carry with him a valuable body of additional knowledge; I should give the preference to the merchant under the stated circumstances. *John Parkinson, Esq.* 23 July 1835.

888. You stated that it was desirable that consuls should not be allowed to trade on their own account, do you think it possible that you would obtain as consuls persons who had been long engaged in commerce, when you wished to debar them from continuing in trade?—Yes, there is a case in point, that of Mr. Hesketh; he was a highly respectable merchant at Maranham for a great number of years, and accepted the consulship of Rio Janeiro when the consul-generalship was abolished. He does not act as a merchant, and perhaps cannot, for he has ample occupation as consul. If he were to make the experiment of uniting the two characters, I suspect that he would find it impracticable. An efficient consul and an efficient merchant, in such a port as Rio Janeiro, cannot be united with advantage to the public service.

John Bidwell, Esq., called in; and further Examined.

889. WHAT are the papers which you produce?—Copies of representations received from His Majesty's consuls respecting the inadequacy of the salaries assigned to them; copies of suggestions which have been received at the Foreign Office for an alteration in the present consular system; suggestions received from His Majesty's consuls for an alteration of the tables of fees annexed to the Act of the 6 Geo. 4, c. 87; also various reports which have been received from His Majesty's consuls, and which have been presented to Parliament and printed. *John Bidwell*, Es

890. Are those relating to duty?—These papers contain a mass of information respecting the state of the poor laws in foreign countries; Statistical Tables supplied by consuls; and also accounts in a tabular form of the quantities of the precious metals which have been raised in and exported from the new States of America for a series of years.

Francis Coleman Macgregor, Esq., called in; and Examined.

891. WHERE were you consul?—I was vice-consul at Bremen in 1814; in 1825 I was appointed consul for the Canaries; and in 1830 I was sent to Elsinore, as consul for Denmark and for the Oresound. *F. C. Macgregor, Esq.*

892. Are you consul now?—I am.

893. When did you come to England?—I came to England about a fortnight ago, in consequence of an order from Viscount Palmerston, to give evidence before your Committee.

894. From the observations that you have made connected with the consulate, have the instructions, alterations and directions given to consuls been such as to adapt it to the modern state of commerce, and the existing political relations of this country, with foreign states?—In my opinion they have been improved; since the time of the passing of the Consular Act, under the administration of Mr. Canning, they are more ample, and the duties of consuls are better defined than formerly. They are also from time to time amended and enlarged, as circumstances may require.

895. Formerly the instructions were few, and very indefinite?—They were so.

896. The present instructions are the instructions that were sent from the Board of Trade?—I believe so, and 1825 was the period I believe I first received them.

897. You hold them to be efficient?—I hold them to be generally efficient, although in some points they are susceptible of improvement.

898. Can you suggest any particular point to which the attention of consuls might be directed in these instructions?—I have recorded a few points upon that subject.

899. Will you read them?—There is one essential point, which is, that, to enable the consuls in future to comply with their duty to furnish annual returns of the British trade at the port where they reside, that they may be no longer kept in a state of perfect ignorance as to the arrival and departure of British ships in their districts. It would therefore be highly advisable, that it were made incumbent upon shipmasters, by some future enactment, to exhibit their register at the consular-office, and to report their cargo as well on their arrival as on their departure; and that the consuls were instructed accordingly. It would also be of great public utility, were the consuls directed, independently of the usual reports, to render a periodical account of useful inventions and public improvements within their district, and regularly to report any alteration affecting the

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laws of the customs, the dues upon shipping, and the tariffs of import, export, and transit duty, prevalent in the country where they reside. Those are the improvements with regard to instructions; but speaking of improvements that are desirable, I am led to believe, that if a periodical were published in London, of the same tendency as the "Archives du Commerce" in Paris, the "Handelsblad" in Amsterdam, the "Organ des Handels" in Ellesfeld, the "Handels & Industrie Fidende" in Copenhagen, and many others, a great mass of valuable information on trade, transmitted by His Majesty's consuls, might be rendered more generally useful, by being communicated to the commercial public through that channel, because then it would be brought to the knowledge of the public generally, which now perhaps it is not.

900. Then you would consider that there are many things which might be done for making improvements?—Yes, by extensively revising the system, and by rendering the consular instructions still more definite than they are.

901. Is there any previous education, or set of qualifications, which you think ought to be required in candidates for consulates?—I should think that a liberal education would be the first condition, added to an acquaintance with the language of the country, and habits of business.

902. A liberal education and acquaintance with the language of the country where they are going to reside, and habits of business, are three requisites?—In my opinion they are so.

903. Would you hold those likely to be obtained by being appointed to the inferior, previously to being appointed to the superior situations?—I think that it would be attended with this advantage, that the person so employed would have an opportunity of exercising his faculties on a smaller scale before he entered upon more important duties. I should even recommend the training of a certain number of young men for the consular service, in some of the principal consulates, and placed upon a similar footing as the élèves consuls in France.

904. What is the expediency of transferring the superintendence of the consular department from the Foreign Office to the Board of Trade, would it then be immediately directed to the Statistical Office?—I have noted several remarks upon the subject, which I shall submit to your consideration. I should not recommend the measure, as I do not clearly perceive the immediate benefit that would result from such a change; on the contrary, I am inclined to believe that the placing of the consular corps under the Board of Trade, would rather tend to retard the dispatch of business than otherwise, the Board of Trade not being in any direct communication neither with the governments of foreign powers nor with His Majesty's Ministers abroad. It is a well-known fact that the duties of a British consul in many instances are such as to partake of a diplomatic character, and in order that he may be enabled to act both with energy and promptitude, he requires the immediate and constant support not only of the minister in the country where the consul resides, but also of the Foreign Office, and I apprehend, that deprived of that powerful support the consideration which British consuls have hitherto enjoyed in foreign countries would soon be at an end. On the other hand, it ought to be recollected that consuls prove very useful to the department of foreign affairs by transmitting statistical as well as other information, when required, upon the political resources of foreign states, and upon other subjects not immediately connected with trade. It is perfectly true that the consuls of Denmark receive their instructions from the General Board of Customs and Trade at Copenhagen, but it must be considered that all these consuls (with the exception of the establishment in Barbary, and a few consuls-general) are mercantile men, divested of every thing like a diplomatic character, and that they are only employed in matters strictly commercial; they have no instructions to interfere in any case of a diplomatic tendency otherwise than by reporting the same to the Board of the Customs at home.

905. With reference to the paper that you have read, you mention that one disadvantage of placing it under the Board of Trade would be, because the Board of Trade has no connexion; supposing that it were in direct communication with the consuls, and also with the foreign states, would not that difficulty be overcome?—It might be, but then it would be necessary that His Majesty's Minister were directed by the Foreign Office to attend to all the cases brought before them by the consul.

906. You mentioned that the rank and the effect given to consular representation is greater, because they are under the Foreign Office, because of the respect that is felt by the authorities of the country to the English Government, which is more

more felt than if they were under the Board of Trade?—Yes, I am under that impression.

907. Do you know the consuls under other countries? Have you ever found any deficiency in the protection of their trade from their being under the Board of Trade?—In all cases of a mixed or diplomatic nature such consuls are not allowed to act as we do; they cannot directly interfere, but they are obliged to report the case to the Board of Trade. The Board of Trade applies to the Foreign Office at home, and that department instructs the minister residing in the country where the consul acts to take measures for obtaining redress.

908. Is there any practical injury?—It causes a great delay on all occasions, because as the matters go to those different offices much time is lost before it is disposed of.

909. With whom do you communicate, with the Minister at Copenhagen?—I do, in all cases where I cannot settle the differences with the local authorities.

910. With whom do you communicate at home?—With Mr. Bidwell, the superintendent of the consular service at the Foreign Office.

911. You say that considerable delay might arise from your communication coming from the Board of Trade; are you aware that all communications on commercial subjects come from the Board of Trade, and so from the Board of Trade to the Foreign Office, and are transmitted to the consul?—I am fully aware of it.

912. So that there is time lost according to the present system by double communication, instead of a direct one?—I admit, that if all matters relating to trade were forwarded direct to the consuls, less time would be lost; but as to the consul's reply, I think it necessary that it should go through the Foreign Office, in order that the Secretary of State for Foreign Affairs may be acquainted with the subject, considering that he is directing the commercial policy of the country, as regards her relations with foreign countries.

913. And that he may protect you in the execution of your duty?—Certainly, and I do not think we could do well without it.

914. Does not the British consul protect all British subjects?—Yes he does, where his protection is claimed.

915. You stated that you had some political duties; were the political duties as onerous and as troublesome as the mercantile were?—The diplomatic duties are more so; those strictly commercial are a mere matter of routine.

916. Then the duty as a consul consists in attending to the clearances of ships?—Not immediately to the clearances of ships, because that is a duty which devolves upon the persons acting as agents at Elsinore for the owners of the ships and cargoes passing the Sound.

917. Are you interested in business yourself?—Not at all; I am prohibited from trading.

918. Will you state what is the nature of the commercial duties which you perform?—I have to perform the consular duties for the whole kingdom of Denmark and the Oresound, and to superintend the vice-consul at Copenhagen, and in different small places. A paper descriptive of the nature of my various duties I beg to deliver in.

The same was read, and is as follows:

A STATEMENT of the principal Duties performed by His Majesty's Consul in Denmark.

THE district of this consulship extends over the kingdom of Denmark, including the Oresound. The consul resides at Elsinore, where the Sound duty is paid. Seven vice-consuls are acting under him in different parts of the kingdom. His salary is 700 *l.*; fees of office, 15 *l.* to 20 *l.* There is a British chapel at Elsinore. The principal duties of the consul are the following:

I.—*Consular Duties.*

1. Affording general protection to British subjects and property, and settling the various differences between British shipmasters and their crews.

2. Making out and registering the sea-protests of ships for accidents on their voyage to Elsinore, as well as various declarations and certificates, entered into the book of records, to the amount of 50 annually.

3. Attending to and sending home distressed sailors.

4. Attending to the sick at the hospital.

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	Number of distressed Sailors:	Number of Sick:
1831	173	46
1832	164	25
1833	154	36
1834	214	39

5. Keeping the register of British shipping clearing at Elsinore.

	Number of entries made:
1831	4,772
1832	3,330
1833	3,192
1834	2,756

6. Corresponding with the Admiralty on subjects concerning the naval service.

7. Corresponding with His Majesty's mission at Copenhagen, mostly on the subject of redress claimed from the local authorities in favour of British subjects; about 30 letters per annum.

8. Corresponding with the Foreign Office,
   1st. On occurrences of a commercial nature.
   2d. Reports on the arrival of ships of war in the Sound, or on other political events.
   3d. Transmitting quarterly returns of the prices of grain and other produce.
   4th. Report upon the result of the harvest, and the probable stock of corn in the granaries.
   5th. Annual report upon the trade of Denmark, with returns.
   6th. Annual report upon the trade through the Sound, with returns.
   7th. On matters concerning the church establishment at Elsinore.

Number of despatches written to the Foreign Office:

1831	63
1832	50
1833	34
1834	49

II.—*Duties as an Accountant.*

1. Accounting to the Admiralty for the sums expended on the naval service, amounting on an average to 445 *l.* per annum.

2. To the Treasury for disbursements on the consular service, including the church establishment; and amounting to about 350 *l.* per annum.

The following books, forming part of the archives, are kept at the consular-office:

1. A letter book.
2. A book of records.
3. A register of British shipping.
4. A register of distressed seamen.
5. A register of seamen in the hospital.
6. A cash book.
7. An account-current book, for the accounts with the Treasury and the Admiralty.
8. A book for statistical returns made.

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A List of Extra Reports made to the Foreign Office, and to His Majesty's Mission at Copenhagen, by His Majesty's Consul in Denmark, during the Years 1832, 1833 and 1834.

1. On the present state of industry and trade in Denmark, with statistical tables.
2. Upon lighthouses in Denmark.
3. On the past and present state of the Danish East India Company.
4. On the alterations of the customs duties in Denmark on articles of British growth and manufacture since 1824.
5. An analysis of the Danish laws of the customs, together with a translation of the tariff of duties published in 1833.
6. A report upon the Danish poor laws, and their operation.
7. Upon the state and condition of the labouring classes in Denmark, together with a statement of the price of labour.
8. Replies to 39 questions proposed by the Board of Trade.

9. Upon

9. Upon the extent of the importation of coals into Denmark and the other Baltic countries, with returns.

10. Upon the result of the census of population, taken in Denmark in 1833, with returns.

11. Upon the number of marriages, births and deaths in Denmark, in 1831, 1832, 1833 and 1834.

12. Upon the progress of crime in Denmark, with returns of the persons convicted in 1830, 1831 and 1832.

London, 8 July 1835. *Francis C. Macgregor.*

919. Do you know any instance in a foreign country of the consuls of any state being put upon a different position with respect to rank?—There is a great difference with respect to the rank which consuls hold in different countries; in England and in France, for instance, they hold a much higher rank than in Prussia and Denmark.

920. Do you mean to say that a merchant consul would not receive the same protection as another consul?—I merely alluded to his rank in society.

921. Can you suggest any practical disadvantages that would be likely to arise to the British merchants from having a commercial consul?—I do not believe that it would make any difference in places of minor commercial importance.

922. In point of fact, as far as your own observation goes, do not the citizens of the United States of America, in every instance of their connexion and communication with foreigners, in any country where you have been, receive an equal amount and degree of protection with British subjects?—I believe they have; at least I have never remarked anything to the contrary.

923. And those are merchant consuls?—Yes, all of them; they have no salary, but only the fees of office, which are very trifling; but they are not always considered persons of respectability.

924. Have you not known cases where Americans employ English persons as consuls?—I have not, but I believe there are several instances where the British consuls have acted in the absence of an American consul, so far as the protection of the citizens of the United States was concerned.

925. Who is the Danish consul in London?—I do not know.

926. They are subordinate to their Board of Commerce?—So it appears from their instructions.

927. As you say your political duties are extensive, will you tell the general nature of those duties?—It is especially with regard to the infringement of the treaties and grievances complained of by British subjects, where the consul has to interfere, first to try to settle the matter with the local authorities, and if he cannot succeed, he applies for the interference of the ambassador.

928. Do those cases so frequently occur as to occupy a large portion of your time?—Although not of frequent occurrence, they still claim a certain portion of my time.

929. Will you state an instance at Elsinore, in the last three years, in which treaties have been called in question?—I do not recollect any particular case at the present moment, but I shall endeavour to state one hereafter.

930. Would you not report them home?—I would not; because they were ultimately settled by His Majesty's minister. The last instance I recollect was, when a British subject was refused to be made a burgher, and not allowed to clear ships; after much trouble, I succeeded, through the minister, in obtaining for him the right of clearing ships, without his becoming a burgher.

931. So you were obliged to have recourse to the minister?—I was; the local authorities not being competent to decide the question.

932. Did the individual wish to become a burgher of Elsinore?—He required the burgher-rights to enable him to do business.

933. Where you have not an opportunity quietly to settle the matter, you write to the minister?—I report the case where it is a grave case to the Foreign Office, and desire the Secretary for Foreign Affairs to give such instructions to the minister of Copenhagen as the nature of the case may require, or I apply directly to the minister at Copenhagen.

934. Have you any cases of ships passing the Sound, receiving higher charges than the Swedish and Danish merchants thought they were justified in raising?—I do not remember any instance.

935. Do not you settle a great many commercial questions on your own authority, without reference to the minister?—There are very few commercial

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questions that come under my cognizance at Elsinore, because it is not a place of trade.

936. Have you to make frequent representations at Elsinore of inordinate charges?—Not latterly.

937. Do you report from time to time on the fluctuations of trade in Denmark?—I always report upon that subject, but there is so little to be said upon it, that it is hardly worth while.

938. Your commercial functions are few, because the commerce of Denmark is inconsiderable?—Yes, and it must be so, because several sorts of British cotton and woollen goods are loaded with a duty of 30 per cent.

939. Can you give the Committee an idea of the number of British residents?—There are very few, the whole amount may be 50 or 60.

940. How many of the individuals are burghers?—About a dozen of them.

941. What do you mean by burghers?—Persons authorized to exercise a trade or profession.

942. The chief business of Elsinore is the agency houses passing the goods up the Sound?—Yes, they disburse the Sound duty on them.

943. What was the date of those questions that you had to settle respecting the burgher?—It was the beginning of this year.

944. In those cases you make reports to the ambassador?—I generally do.

945. Could you furnish the Committee with a number of reports which you have made in the last three years?—The number of letters which I have written annually to His Majesty's minister, amount to about 30, on different subjects.

946. Including the reports on cases like that which you have mentioned?—Including all reports to the Foreign Office; I wrote in 1831, 63; in 1832, 50; in 1833, 34; in 1834, 49.

947. They are not classed into subjects?—I have not classed them

948. You do not know what number relate to subjects wholly diplomatic?—I cannot tell.

949. You are in the habit of sending monthly the number of ships that passed the Sound?—I do, half-yearly.

950. And of what you can hear of the state of the corn-market?—I make quarterly returns respecting the prices of grain, and other produce.

951. You received in 1832, or the beginning of 1833, a series of questions from the Foreign Office, did you not?—I did so.

952. Did that return give you much trouble to make?—It occupied a great deal of my time; I was obliged to have recourse to the different authorities in order to get at the information, which I could not obtain in any other manner.

953. Was it any expense to you?—A trifling expense.

954. Is there a periodical publication in Denmark of the state of exports and imports?—There is not, but I have heard that the Danish government have given orders that statistical accounts to that effect should in future be published, but when this will take place is unknown to me.

955. Do you send home, as a matter of course, all the commercial regulations that take place?—I always forward to the Foreign Office any new regulation emanating from the Board of Customs, or any ordinance relating to trade which I judge of interest.

956. Do you keep in your office a collection of the tariffs?—Yes, and of all ordinances concerning trade.

957. Have you any Acts of Parliament for reference?—Acts of Parliament are regularly forwarded to me when they appear; I mean to say, those Acts of Parliament which have reference to commerce.

958. Do you get any allowance for postage?—I do not.

959. Is it a heavy charge?—It is sometimes. I have hitherto borne it along with all my colleagues.

960. Do not you think that the fact of consuls paying postage is a diminution of salary which ought not to continue?—I do, but I have hitherto forwarded all my despatches for England through His Majesty's minister, by which the expense is greatly diminished.

961. How many vice-consul's have you?—Seven.

962. Are they appointed by you, *de propro moto*, or subject to previous approbation?—They are appointed by the consul, with the sanction of the Foreign Office, and then they must be recognised by the Danish government; those two points are necessary before a vice-consul can act.

963. Are

963. Are your vice-consuls there gratuitous?—The vice-consul at Copenhagen has a salary, but the rest receive nothing but the small fees upon trade.

964. What is the proportion of Englishmen to Danes among the seven?—Only two Englishmen.

965. Have you found the vice-consulships an object of desire?—Hitherto they have been; but according to the new ordinances of the King of Denmark, they have been deprived of a certain part of their former privileges and immunities.

966. Do those gratuitous consuls exercise their functions in a way satisfactory to yourself?—They have very little to do, on account of the trade being so insignificant as it is.

967. Do they make periodical returns?—They always do; and I conceive that it is the only point in which they are really useful; they might be rendered more so, if statistical returns of trade were published at their different ports.

968. Do not you think if you were in direct communication with the Board of Trade, that might lead to a modification of the tariffs, and to the opening of new sources of trade?—I do not think that it would contribute anything to that end.

969. If you collected the facts, showing the operation of a particular system of commercial polity upon the well-being of Denmark or of England, might not the communication of those facts be valuable for the general commercial interests of the two countries?—I hardly think so; I have repeatedly written upon the subject to the Foreign Office, and I have no doubt that my reports have been communicated to the Board of Trade, without having had any effect whatever.

970. Do you mean to say that you have made any general suggestions, and tha those have not received a reply?—I have stated my opinion upon the subject of what might be done, in order to render the commercial intercourse between the two countries more important than it has been.

971. What sort of communications were those?—Reports upon trade, made almost every year.

972. What was their nature?—I suggested the abolition or modification of the corn laws, corn being the principal article exported from Denmark and some of the Baltic countries.

973. Have you reason to believe that if a modification of the corn laws took place in this country, it might expect a modification of their prohibitory system?—I believe it would operate favourably.

974. Did you expect an answer to that suggestion?—No, because it was merely a suggestion.

975. Do you know of any communication to which you could expect an answer, when you have not received any?—I have always received answers to all applications that required a reply, and very regularly too, especially since the appointment of the superintendent of the consular service, the consular correspondence having formerly been mixed up with the diplomatic correspondence, which sometimes occasioned a delay when there was a pressure of business.

976. There have been in Denmark several discussions respecting the modification of the tariff?—The subject will, no doubt, come under the consideration of the provincial states which are to assemble in October next, as I mentioned in my last report.

977. The modification of the tariff is on the carpet?—It is; but whether it will be favourable with regard to British manufactures, I am unable to decide.

978. Those English manufactures are almost wholly prohibited at present?—Very nearly so; as there is a duty upon them of 30 per cent., and they do not immediately go into the hands of the importer, being kept at the custom-house, and there sold in public sale, the custom-house retaining 30 per cent. out of the net proceeds.

979. Are there great complaints of the manner in which the duties are collected in Denmark; have you heard of such?—None that I am aware of.

980. Do you consider that a consul should be engaged in trade?—In my opinion the public will, on the whole, be better served by consuls sent out by the Government and not in trade, than by mercantile consuls; and this for the following reasons: the former is invariably treated with greater respect and courtesy by the local authorities; his influence with them goes to a greater extent than that of the merchant, and properly employing the same, he can be more useful to his countrymen. The former is enabled to devote the whole of his time and attention to his public duties; while with the latter, who has to mind his own business, they can only be of a secondary consideration. The situation of the former renders him perfectly

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independent, whereas the latter must be ever solicitous of keeping upon good terms with the local authorities, well knowing that they always have the means of annoying him in the course of business as a merchant; the former may be considered as an impartial judge, but it would sometimes happen that the official duties of the merchant consul come in collision with his private interest, and that in some of the cases brought forward he may find himself to be both judge and party. For the reasons above stated, I am no advocate for consuls in trade; still, from considerations of public economy, I would not have them excluded from acting at the ports of minor importance to British trade; however, in such a case, they ought not to receive any salary, but merely a remuneration adequate to their trouble, and granted in proportion to the tonnage of the British shipping annually frequenting their respective ports.

981. Do you consider that a person sent out as consul would be preferable if he had commercial knowledge?—Commercial knowledge would be very well, but I do not consider that practical knowledge of commerce is necessary, although habits of business and the theory of commerce seem to be indispensable requisites.

982. Have you drawn up the outlines of a plan for the future remuneration of consuls in Europe?—I have, with a Table (*vide* B. p. 68) showing the expense likely to be thus incurred in future, as compared with the present system.

[*The Witness delivered in the same, which was read as follows:*]

OUTLINES of a Plan for the future mode of Establishment and Remuneration of His Majesty's Consuls in Europe.

ON respectfully submitting the subsequent outlines of a plan for the future mode of establishment and remuneration of His Majesty's consuls abroad, I beg leave to state that I have been chiefly guided in its formation by the following considerations:

That the consular establishment is indispensably necessary for the protection of the extensive commerce of a wealthy and powerful nation.

That those consuls not engaged in trade ought to be liberally remunerated, in order to be enabled to uphold the necessary respectability of their station, and thus to render their services more efficient.

That the remuneration given ought, if possible, to be commensurate with the quantity of labour performed.

That the best and surest criterion of the probable extent of that labour, when strictly confined to commercial matters, is the amount of the tonnage of British shipping employed in the trade with the port where the consul resides.

That the employment of consuls *not* in trade, who are enabled to devote the whole of their time and attention to their public duties, seems best calculated to promote the interests of trade.

That an establishment on that footing being necessarily attended with great expense, a saving can only be effected, consistently with the above views, by filling the minor consular situations with British residents of the place.

Finally, that British consuls ought to be encouraged by promotion and honorary distinction, as an incentive to greater zeal in the service.

I beg further to observe, that the measure proposed is only calculated to be introduced gradually, as vacancies may occur in the consular department; and that it merely extends to the consulates in Europe. The following are its leading features:

1. The British consulates are henceforth to form two distinct classes, and the incumbents to be denominated consuls of the first and of the second class. Consuls of the first class are not to be engaged in mercantile pursuits; but those of the second class may either be allowed to trade or not, according to circumstances.

2. Consuls of the first class, not in trade, are to be stationed at the ports most conspicuous for the extent of their commercial relations with Great Britain. Each consul of the first class is to enjoy a salary of from 700 *l.* to 800 *l.* per annum, exclusive of fees. They are to be considered by Government as the principal agents abroad from whom to derive information on commercial as well as on other matters; and it chiefly devolves upon them to furnish the periodical reports and returns required by the consular instructions. In all cases where it can conveniently be done, they and the consuls of the second class not in trade are to be made the principal accountants to the Treasury and the Admiralty for all the monies expended upon the public service by them, as well as by the trading consuls and vice-consuls hereafter mentioned, acting in the district where the chief consul resides.

3. Consuls of the second class are to be appointed for the places of minor commercial importance. Such consuls may either be sent out under similar instructions as those of the first class, on a salary of from 500 *l.* to 600 *l.* per annum, exclusive of fees; or they may be selected from amongst the respectable British or Foreign merchants resident at the place, as circumstances may require. In this latter case they are not to enjoy any fixed

fixed salary; but in lieu thereof, and independent of their fees, they are to receive an allowance equal to 3 *d.* sterling per ton upon the register tonnage of all British vessels either loading or discharging a cargo at the port for which they act. The amount of such tonnage-fees, according to circumstances, may either be drawn for by them on the Treasury, or be refunded by the chief consul of the district, duly authorized so to do, on their transmitting, at the end of the year, a return, certified by them, of the number and tonnage of the British shipping employed in the trade of their respective ports, made out in the form prescribed by the Foreign Office. Vice-consuls invariably ought to be selected from amongst the mercantile class, and be remunerated in a similar manner as the consuls in trade. Consular agents, or honorary vice-consuls, not having hitherto been in the receipt of pay, but who merely enjoyed the fees on trade, are to remain upon the same footing as heretofore.

4. In each of the countries of Europe at least one consul not engaged in commercial pursuits ought to be stationed at the principal port of trade.

5. In order to excite the emulation of His Majesty's consuls, such of them as display most zeal in the performance of their various duties ought from time to time to receive promotion, or be dignified with the title of consul-general, as a personal distinction, with an addition to their salary of 100 *l.* or 200 *l.* per annum.

I subjoin a Schedule, to serve as an illustration of the above plan; and from which it is made evident that its adoption will ultimately be productive of an annual saving to the public of about 5,000 *l.* sterling upon the European establishment alone, not including Turkey.

As respects the consular establishments in Turkey and on the coast of Barbary, as well as in the United States of America, they must, I apprehend, remain for the present in statu quo. However, with regard to the consuls in the Levant and in South America, I beg to call attention to a paper very ably drawn up by Mr. Henderson, late His Majesty's consul-general in Colombia, intituled, "Suggestions relative to levying a small contribution on foreign trade, to form a fund for the payment of His Majesty's consuls;" and I feel confident that if these two plans were combined together, and brought into operation, with the different improvements therein suggested, the public revenue would not only be relieved from the most considerable portion of the present expense, but the consular service, thus placed upon a respectable and permanent footing, would be rendered still more efficient in advancing the commercial interests of the British empire.

London, 21 July 1835. *Francis C. Macgregor.*

(B.)—A SCHEDULE

(B.)—A SCHEDULE illustrative of a New Plan for the mode of Establishment and Remuneration of His Majesty's Consuls, according to Classes, and the Amount of Labour performed; showing the Expense thus to be incurred in future for the support of the Consular Establishment in Europe, as compared with the Present Expenditure.

PRESENT SYSTEM.								NEW SYSTEM.									
COUNTRY.	Consular Residence.	RANK.	Extent of British Shipping frequenting the Port.		Salaries granted in 1835.	Approximate Fees on Trade.	Total of Emoluments.	CONSULAR DISTRICT.	RESIDENCE.	RANK.	CLASS.	Whether to be in Trade or not.	Salary according to the Amount of Tonnage, at 3 d. per Ton.	Maximum of Salary to be allowed.	Approximate Tonnage Fees.	Approximate Fees on Trade.	TOTAL of Emoluments.
			Ships.	Tons.	£.	£.	£.						£.	£.	£.	£.	£.
Russia	St. Petersburgh	consul	900	190,000	500	15	515	St. Petersburgh	St. Petersburgh	consul	1st	not	2,375	800	-	15	815
	Riga	ditto	375	55,000	300	5	305	Riga	Riga	ditto	2d	not	690	600	-	5	605
	Liebau	ditto	20	2,000	150	2	152		Liebau	v.-consul	-	in trade	-	-	25	2	27
	Archangel	ditto	360	50,000	300	5	305	Archangel	Archangel	consul	2d	not	625	600	-	5	605
	Odessa	consul-gen.	110	25,000	600	250	850	Odessa	Odessa	ditto	2d	not	312	600	-	150	850
	Taganrog	v.-consul	not stated		200	60	260		Taganrog	v.-consul	-	in trade	-	-	25	60	85
	Warsaw	consul	-	-	600	nil	600		Warsaw	consul	2d	not	-	600	-	nil	600
Sweden and Norway.	Gottenburgh	ditto	40	4,700	500	20	520	Sweden and Norway.	Gottenburgh	ditto	2d	not	60	600	-	20	620
	Stockholm	ditto	15	1,800	200	20	220		Stockholm	v.-consul	-	in trade	-	-	22	20	42
	Christiania	ditto	1	140	150	10	160		Christiania	ditto	-	ditto	-	-	2	10	12
	Bergen	ditto	40	2,650	200	10	210		Bergen	ditto	-	ditto	-	-	30	10	40
Denmark	Elsinore	ditto	2,800	500,000	700	10	710	Denmark	Elsinore	consul	1st	not	-	700	-	10	710
	Copenhagen	v.-consul	70	14,000	100	30	130		Copenhagen	v.-consul	-	in trade	-	-	180	30	210
Prussia	Dantzig	consul	70	10,000	500	18	518	Prussia	Dantzig	consul	1st	not	125	800	-	18	818
	Memel	v.-consul	206	35,000	60	10	70		Memel	v.-consul	-	in trade	-	-	430	10	440
	Pillau	ditto	-	-	50	-	50		Pillau	ditto	-	ditto	—	—	—	—	—
	Königsberg	ditto	40	3,600	60	5	65		Königsberg	ditto	-	ditto	-	-	45	5	50
	Stettin	ditto	50	8,000	50	5	55		Stettin	ditto	-	ditto	-	-	100	5	105
Hanse Towns	Hamburgh	consul-gen.	850	140,000	1,500	500	2,000	Hanse Towns	Hamburgh	consul	1st	not	1,750	800	-	500	1,300
	Ditto	v.-consul	-	-	300	-	300		Ditto	—	—	—	—	—	—	—	—
	Bremen	ditto	60	10,000	150	30	180		Bremen	v.-consul	-	in trade	-	-	125	30	155
	Lubeck	ditto	20	3,000	150	8	158		Lubeck	ditto	-	ditto	-	-	37	8	45
	Cuxhaven	ditto	-	-	100	8	108		Cuxhaven	ditto	-	ditto	—	—	—	—	—
Holland	Rotterdam	consul	900	120,000	450	80	530	Rotterdam	Rotterdam	consul	1st	not	1,500	800	-	80	880
	Amsterdam	ditto	130	18,000	300	70	370	Amsterdam	Amsterdam	ditto	2d	in trade	-	-	225	70	295
Belgium	Antwerp	ditto	200	28,000	500	65	565	Antwerp	Antwerp	ditto	1st	not	350	800	-	65	865
	Ostend	ditto	340	38,000	300	60	360	Ostend	Ostend	ditto	2d	in trade	-	-	475	60	535
France	Paris	chancellier	-	-	100	208	308		Paris	chancellier	-	-	-	-	-	208	208
	Calais	consul	-	-	400	240	640	Calais	Calais	consul	2d	in trade	-	-	260	240	500
	Boulogne	ditto	270	16,800	300	180	480	Boulogne	Boulogne	ditto	2d	ditto	-	-	207	180	387
	Havre	ditto	115	13,000	400	100	500	Havre	Havre	ditto	2d	not	166	600	-	100	700
	Brest	ditto	not stated		300	25	325		Brest	v.-consul	-	in trade	-	-	20	25	45
	Rochelle	ditto	80	10,000	300	70	370	Charente	Rochelle	consul	2d	ditto	-	-	120	70	190
	Nantes	ditto	15	1,800	300	25	325		Nantes	v.-consul	-	ditto	-	-	25	25	50
	Bordeaux	ditto	95	13,400	400	100	500	Bordeaux	Bordeaux	consul	2d	ditto	-	-	160	100	260
	Bayonne	ditto	1	100	300	5	305		Bayonne	v.-consul	-	ditto	-	-	1	5	6
	Marseilles	ditto	80	13,000	600	150	750	Marseilles	Marseilles	consul	2d	not	166	600	-	150	750
	Toulon	v.-consul	not stated		50	nil	50		Toulon	v.-consul	-	in trade	-	-	13	nil	13
	Corsica	consul	not stated		200	2	202		Corsica	ditto	-	ditto	-	-	25	2	27
Spain	Madrid	chancellier	-	-	150	nil	150		Madrid	—	—	—	—	—	—	—	—
	Bilbao	consul	45	5,500	350	50	400	Bilbao	Bilbao	consul	2d	in trade	-	-	70	50	120
	Corunna	ditto	15	1,500	400	10	410		Corunna	v.-consul	-	ditto	-	-	18	10	28
	Cadiz	ditto	240	50,000	500	250	750	Cadiz	Cadiz	consul	1st	not	600	800	-	250	1,050
	San Lucar	v.-consul	not stated		200	25	225		San Lucar	v.-consul	-	in trade	-	-	45	25	70
	Malaga	consul	120	12,000	300	120	420	Malaga	Malaga	consul	2d	ditto	-	-	150	120	270
	Carthagena	ditto	not stated		400	5	405	Carthagena	Carthagena	ditto	2d	ditto	-	-	50	5	55
	Alicante	ditto	45	5,500	300	130	430	Alicante	Alicante	ditto	2d	ditto	-	-	70	130	200

Spain	Barcelona	consul	18	2,700	400	50	450	Barcelona	Barcelona	v.-consul	2d	in trade	-	-	-	30	50	80
	Mahon	ditto	not stated		200	5	205		Mahon	ditto	-	ditto	-	-	-	25	5	30
	Tenerife	ditto	32	3,400	500	5	505	Canaries	Tenerife	consul	2d	ditto	45	200	-	-	5	205
	Havanna	ditto	not stated		300	not stated	300	Havanna	Havanna	ditto	2d	ditto	unknown	200	-	-	not stated	200
	St. Jago de Cuba	ditto	not stated		300	16	316	St. Jago, Cuba	St. Jago	ditto	2d	ditto	unknown	200	-	-	16	216
Portugal	Lisbon	ditto	275	75,000	600	250	850	Lisbon	Lisbon	ditto	1st	not	340	800	-	-	250	1,050
	Ditto	v.-consul	-	-	300	-	300		Ditto	—	—	—	—	—	—	—	—	—
	Oporto	consul	180	24,000	500	90	590	Oporto	Oporto	consul	2d	in trade	-	-	-	300	90	390
	Madeira	ditto	118	24,000	300	300	600	Madeira	Madeira	ditto	2d	ditto	300	200	-	-	300	500
	St. Michael's	consul-gen.	not stated		400	250	650	Azores	St. Michael's	ditto	2d	ditto	unknown	200	-	-	250	450
	Ditto	v.-consul	not stated		100	-	100		Ditto	—	—	—	—	—	—	—	—	—
	Fayal	ditto	not stated		100	not stated	100		Fayal	v.-consul	-	in trade	unknown	50	-	-	not stated	50
	Terceira	ditto	not stated		100	ditto	100		Terceira	ditto	-	ditto	unknown	50	-	-	ditto	50
	Cape Verds	ditto	not stated		100	ditto	100	Cape Verds	Cape Verds	ditto	-	ditto	unknown	50	-	-	ditto	50
Sardinia	Genoa	consul	85	13,500	400	200	600	Genoa	Genoa	consul	2d	ditto	-	-	-	170	200	370
	Nice	ditto	20	2,600	200	16	216		Nice	v.-consul	-	ditto	-	-	-	34	16	50
	Cagliari	ditto	not stated		250	10	260		Cagliari	ditto	-	ditto	-	-	-	12	10	22
Tuscany	Leghorn	ditto	200	32,000	400	300	700	Leghorn	Leghorn	consul	1st	not	400	800	-	-	300	1,100
Papal States	Ancona	v.-consul	28	4,600	100	50	150		Ancona	v.-consul	-	in trade	-	-	-	55	50	105
Naples & Sicily	Naples	consul	100	14,000	300	155	455	Naples	Naples	consul	2d	not	170	600	-	-	155	755
	Gallipoli	v.-consul	not stated		100	20	120		Gallipoli	v.-consul	-	in trade	-	-	-	75	20	95
	Otranto	ditto	not stated		25	nil	25		Otranto	ditto	-	ditto	-	-	-	15	nil	15
	Palermo	consul	85	14,000	400	60	460	Palermo	Palermo	consul	2d	ditto	-	-	-	170	60	230
	Messina	ditto	not stated		200	300	500	Messina	Messina	ditto	2d	ditto	-	-	-	280	300	580
Austrian States	Austrian States	consul-gen.	-	-	1,000	-	1,000		Austria	—	—	—	—	—	—	—	—	—
	Venice	v.-consul	31	4,500	100	60	160	Venice	Venice	consul	2d	in trade	-	-	-	56	60	116
	Trieste	ditto	150	27,000	100	255	355	Trieste	Trieste	ditto	2d	not	340	600	-	-	255	855
	Fiume	ditto	not stated		50	2	52		Fiume	v.-consul	-	in trade	-	-	-	38	2	40
Ragusa	Ragusa	consul	not stated		60	8	68		Ragusa	ditto	-	ditto	-	-	-	17	8	25
Greece	Patrass	ditto	20	3,000	700	24	724	Patras	Patras	consul	-	not	40	600	-	-	24	624
	Pyrgos	v.-consul	not stated		200	not stated	200		Pyrgos	v.-consul	-	in trade	-	-	-	30	not stated	30
	Napoli	ditto	not stated		250	ditto	250		Napoli	ditto	-	ditto	-	-	-	50	not stated	50
	Syra	consul	not stated		300	ditto	300	Syra	Syra	consul	2d	ditto	-	-	-	80	not stated	88
			Totals - - £.		24,555	5,417	29,972						Totals - £.		14,250	4,392	5,409	24,051

RECAPITULATION.

Expense, according to the Present System.

	£.
Salaries of four consuls-general, 47 consuls and 23 vice-consuls, besides two chancelliers -	24,555
Fees of office upon trade - - - - - -	5,417
Total Expense - - -	29,972
Expense according to the proposed plan - -	24,051
Annual saving to the revenue - - - £.	5,921
And if the payment of the tonnage fees of 4,392 *l.* should devolve upon the shipping, the annual saving to the revenue would be - - -	10,313

Expense according to the Plan Proposed.

	£.
Maximum of salaries to nine consuls of the 1st class, and to 15 consuls of the 2d class -	14,100
Salaries to three vice-consuls not in Europe -	150
	14,250
Remuneration to 18 consuls and 29 vice-consuls in trade, by way of tonnage fees - -	4,392
Annual expense to the revenue -	18,642
Fees of office upon trade - - - -	5,409
Total Expense, according to the proposed plan	24,051

London, 21 July 1835.

Francis C. Macgregor.

Lunæ, 27° die Julii, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

Thomas de Grenrier de Fonblanque, K. H., called in; and Examined.

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983. WHAT situation do you hold?—I hold no situation at present. I am a candidate for general employment.

984. What situations have you held?—First, consul for the Northern Departments of France, and afterwards consul for East Prussia.

985. For how many years were you consul?—My whole length of consular service is 16 years, from 1816 to 1832.

986. At what age were you first appointed consul?—I was nearly 22; and a captain in the army of three years' standing.

987. For what description of trading intercourse do you conceive the residence of a British consul is most desirable?—At a place which imports from England; the trade of export, I imagine, will always be better protected by the local authorities than by any foreign agency.

988. What is the reason that you consider a port for imports is preferable for a consular establishment?—I speak with reference to the importation of British goods at foreign places. Every country will facilitate the exportation of its own produce or industry, whether in national or in foreign bottoms; while there may be many motives for discouraging or obstructing the introduction of foreign produce. They may have rival manufactures which, even with a high protective duty, would find it difficult to compete fairly with the English articles of the same kind; or there may be a disposition to favour some other country's mercantile relations rather than those of England. Many vexations may be devised and practised for such objects, without actually increasing the amounts of duty. The consul should see that the produce of his country is admitted without obstruction or chicane, at the prescribed rates of duty. Hence, I submit that the amount of tonnage is by no means a sure indication that the establishment of a consul is necessary; but that where a large importation of British goods subsists, or can be probably induced, the watchfulness of such an officer is called for to prevent annoyance or disparagement.

989. A consul failing to carry through any object of interest with the local authorities, by what appeal does he hope to succeed?—By an appeal either through the embassy to the Secretary of State at home, or else by a direct application to the Secretary of State. I imagine that the effect of the authorities knowing that the consul has such a power to retreat upon, very often induces them to concede further than they otherwise might do; and that not merely on account of the high station of the Secretary of State, but because they would apprehend his conferring with the minister of their country accredited here, and agreeing to resolutions which the court of that country would carry into effect.

990. Conferring with the Secretary of State is more important than if they conferred with the Board of Trade?—For particular purposes; I will state how I think the correspondence with the Board of Trade will be highly proper.

991. Do you think that advantage would result from consuls taking the direction of measures in cases of vessels stranding?—That would be a very difficult jurisdiction for them to exercise; it would often necessitate their taking the command of foreign troops; it could be yielded only on a principle of reciprocity. The mounted gendarmerie, in France, are the people who, in the first instance, would act for the preservation of property in the event of vessels stranding, and prevent pillage. I think they would not be disposed to yield obedience to the direction of a foreign functionary. Then again, in many cases, it would be difficult to know the nationality of the vessel stranded; it could be only guessed at. I think at the same time that if the foreign functionaries were instructed to defer to the advice of the consul in the first instance, and when the vessel was secured, then, if required, to give it up to his direction and responsibility, it would be an advantageous point. I have known a vessel to be got afloat by the authorities at an expense of nearly double what she was afterwards sold for.

992. What

992. What control has the British consul over master-mariners and seafaring people?—As the law now stands he has none; he exercises a prescriptive jurisdiction, if any.

993. Under former rules or arrangements were any powers conferred upon consuls, which have since been discontinued?—Several. In the first place, the production of the ship's papers, of the register and manifests especially, also the power of ordering a survey upon vessels that have been stranded. All those functions are suspended at present by the effect of the Customs' Consolidation Act. The name of the office of consul, wherever it appeared in the former Navigation and other Acts, was omitted in that Consolidation Act.

994. Does it appear to you from your observations on the Customs' Consolidation Act, that the names of, and allusions to consuls, have been studiously omitted in that Act?—I should almost suppose so, perhaps in the notion that some legislative measures would be taken to define and embody the consular powers in a separate Act.

995. On what grounds is it necessary that captains of merchantmen should exhibit their certificate of registry to the consul, and swear to the ship's manifest?—I consider the production of the register a matter of considerable importance. It sometimes happens that the captains of these vessels are not trustworthy persons, or there is something bad in their general conduct or habits which it would be the duty of the consul, if he knew who the owners of the vessel were, to report to them; and he has no other means of arriving at that knowledge than the detail which is given in the register of all persons having a share in the ship.

996. Have any kind of people an interest in creating a mistrust on the part of the master to the consul?—Very often ship-brokers have a leaning of that kind; they dislike the superintendence which the consul might assume. The ship-brokers sometimes overcharge, and their proper charges being fixed by a regular tariff, the consul would at once discern any excess and prevent its repetition.

997. If the consuls had a knowledge of the ship's papers, it would be a means of avoiding this risk?—Yes, provided they had also the ship's accounts to approve.

998. Have the foreign consuls the power of enforcing the production of a ship's papers?—Without any exception. With reference to the manifest, I omitted to mention the necessity for its production: as the law is now, the consul has no means of ascertaining the real state of the trade with Great Britain, either inwards or outwards; whereas he would know the exact importation and exportation by seeing the manifest both ways.

999. Are you aware of any instances in which the powers with which the laws of this country had armed the consul were restrained, or disputed?—I remember one case where the power of administering oaths was disputed; where they were forbidden to administer oaths.

1000. Where?—In East Prussia; the case that I have most particularly in mind occurred in Memel. The old navigation laws were then in operation, under which the consul had the power of ordering a survey upon a stranded vessel. This power was exercised by Mr. Fowler, then vice-consul of Memel, and the fiscal authorities commenced proceedings against him, with a view to fine or imprisonment. Mr. Fowler pleaded his instructions and the law of England, but neither plea was admitted; and it was with the utmost difficulty that the envoy at Berlin and myself procured, as a matter of favour, that the proceedings should be quashed. They afterwards proposed that instead of allowing foreign consuls to administer oaths themselves, a person belonging to one of the tribunals should be adjoined to them, and administer the oath in the presence of the consul. That arrangement I thought it my duty to refuse acceding to, and the matter rested there, until they subsequently allowed that British subjects might have oaths administered to them by the consul for purposes connected with, and to be operative in this country.

1001. Was that done in Prussia for any particular system?—They stated that there had been always a mere toleration as to foreign consuls administering oaths, but that the habit was afterwards complained of by the judicial authorities, and that they were determined to suppress it. I believe that the present Prussian policy in commercial relations explains the motives of this occurrence. I expected to have been recalled upon it. I should mention (as a synchronous

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event,) that other consuls were recalled from Prussia. I mean consuls of other powers.

1002. Do you apprehend that foreign governments would generally object to grant privileges to our consuls on the principle of reciprocity?—No, I do not. At the same time there are some governments that would have no benefit from such a reciprocity, and therefore, perhaps, would not yield it; for in such cases the benefit would be unilateral. Such governments as I allude to, do not send stipendiary consuls, but employ local merchants, who could not assert privileges because of their civic relations.

1003. What do you consider the chief duty of a consul?—The duty to which all others should be deemed secondary is, to protect the British trading interests by every possible means. He should observe the working of the established systems, and notice such occasional changes in the habits of society as may alter the wants of the people he lives among. The progress or decay of the foreign manufactures and the establishment of new branches of industry or production should be rendered in detail, and in the way of comparison with similar articles of British manufacture or growth.

1004. Will you state the effects of 6 Geo. 4, c. 87, commonly described as the Consular Act?—It professed to be an Act for improving the condition of consuls, but its effect has not corresponded with that. It accords very few functions; it sanctions the administration of oaths generally, without having the oaths specified for any particular object, as was the case in former Acts; still it does not reach every intention. A number of notarial documents are mentioned, and, I think, considerable advantage and saving would be the consequence of settling these. Documents completed in the consul's office would be operative for all legal intents in this country, without necessity for translation or verifying of signatures here; both of which would be requisite, if drawn up in a foreign language and attested by a foreign authority.

1005. Can you point out any objection to the table of fees?—There are several objections; if I might be allowed to look at the Act, I could point out the want of proportion. For the noting of a protest, one Spanish dollar is allowed by this Act; it is usually a document of four or five lines, merely stating that such an accident occurred at a certain period; but then the extension of that protest particularizes in the minutest way, and may occupy a great number of pages, and for those additional pages, whatever their number may be, only one other dollar is allowed. The same objection would apply to an order for the survey and the extension of it, which is prepared on the report of the persons named for examining the state of the vessel and cargo. Registrations also are limited to one dollar, without reference to length. There is also another defect in the Act itself, to which I beg to refer; the consuls have the power of administering oaths, "as if such oath, affidavit or affirmation, or notarial act respectively had been administered, sworn, affirmed or done before any justice of the peace or notary public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature." The power here being purely magisterial or notarial, does not enable him to take affidavits to debt, at least not so as to be operative in the courts here. It is held to be a power analogous to a judicial power that would enable him to do that; the consequence, under the impression that a consul could do everything relative to affidavits, is, that a number of such affidavits to debt have been rejected by the courts here.

1006. What would remedy that?—Merely the insertion of "judicial, fiscal, magisterial, or notarial." The valuation of goods, on the other hand, appears to me, at one per cent., an excessive charge; and that of two and a half per cent. on the management of British property, is also a very high rate. I should say, that a dollar for every additional page of each instrument, or a dollar for every page of registration would be a fair rate; because it sometimes happens that a person would wish all the proceedings of a foreign law suit to be registered in the consular office, and if he required such a thing now, the consul could only charge a dollar.

1007. Are there any other observations which you wish to make about the Act?—None.

1008–9. What inconvenience would result from furnishing the Board of Trade with duplicates of all correspondences, and all papers relating to trade, which are supplied by consuls to the Foreign Department?—It frequently happens that

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that polemics, which grow out of a commercial question, are mixed up with events and considerations not purely commercial: but I see no objection to consuls preparing statements for the Board of Trade, comprehending everything of commercial interest and detail, divested of other matters.

1010. What was the system of consular remuneration, when you were appointed to the Northern Departments of France?—In France the consulships were experimental at that time, there was no salary; they depended for their remuneration upon fees levied chiefly upon the tonnage of shipping.

1011. What was the length of your department at that time?—From Dunkirk to St. Valery on the Somme, including Dunkirk and Calais and Boulogne.

1012. Did you find the extent of the department greater than could come within your view?—Not by any means. I had vice-consuls at the great ports, and when there was any pressing business, I went myself to them. St. Valery would be an inconvenient distance for a personal superintendence, but that necessity was not likely to occur, and the others were within easy reach, if anything extraordinary happened.

1013. By whom were such fees sanctioned?—By the Secretary of State, but at the same time there were frequent questions as to their legality; the Secretary of State, in his instructions, remarked that the commission of the consul would enable him to levy the fees upon the trade which was placed under his protection.

1014. Had you a tariff?—Yes; the tariff was nearly alike at all the ports in France.

1015. Were the sums as named in the tariff disputed?—The principle was disputed without reference to the amounts. I think the amounts were not exceptionable: for instance, in Calais I lowered the prescribed rates, and instead of taking 6 francs for every 10 tons, according to the tariff, I required 10 francs for each vessel.

1016. What would the vessels average at that time?—They were chiefly passage vessels, ranging from 60 to 100 tons; sometimes vessels took merchandize, and those were of a larger class.

1017. Were those of the consulates in France, new offices, and were the persons appointed to them after the restoration of the Bourbons, in trade?—I believe there was but one consul in trade at that time; the consul at Marseilles.

1018. What compensation was made when the fees on shipping were abolished in 1826, or were you taught to consider your salary as a final provision?—I was taught to consider the salary as provisional; my fees in Prussia entered into Mr. Canning's estimate for 1,336 *l.* a year, and it was agreed in the House of Commons that full compensation should be made to those consuls who had collected fees when the power of collecting them was withdrawn. I have not received any compensation; I had a provisional salary of 700 *l.* a year.

1019. Had you any salary when you received the 1,300 *l.* from fees?—I had 400 *l.* a year salary; the place had previously 700 *l.* a year, and in consideration of the ample fees, it was reduced by 300 *l.*, and that 300 *l.* was in effect given to my successor at Calais, to make up his income.

1020. Do you imagine that without raising discontent, any system of fees could now be devised?—I doubt whether any fees in the nature of tonnage-dues could be levied without raising great discontent, for the profitable return on British ships is much below what a perishable property ought to render, not reaching four per cent. in some branches; but at the same time a small and discriminating per centage upon cargoes might be allowed where the trade could bear it. The fees upon attesting manifests, as rated in the Act both inwards and outwards (with the view that I have explained of collecting the returns of trade from those documents), should be made available, but requiring them from foreign vessels bound to our ports as well as British vessels, otherwise there would be an additional charge on the freights of the latter.

1021. What amount of income would you suppose necessary for the proper maintenance of a consul at any ports of Europe, when the authorities are of the highest rank, and how much for the secondary places?—It would be inexpedient to arrange it upon the expense of a place and the habits of living, because it might be very useful to give the Secretary of State the power of rewarding special aptitude locally. What I mean is, that the service of a man might be very valuable in one place, and of no value at all in another; so that

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in asking promotion on account of services rendered, or in respect of long standing, the Secretary of State could hardly withhold such promotion from him, and yet would be removing him from the sphere of his utility, if he were bound not to exceed local rates of remuneration.

1022. And therefore by giving him an additional salary in the place where he was, he might induce him to remain?—Yes.

1023. Otherwise if he remained without that, it would be punishing him for his efficiency?—Yes, exactly.

1024. Are most of the consuls distressed on account of the sudden changes in their incomes?—Nearly all, I am informed, and I have every reason to believe it.

1025. Can you assign any reasons why the salaries given to the French and other consuls should not be deemed sufficient for the support of British consuls?—A well-educated young Englishman can make his talents and industry available in many lucrative pursuits at home, and would not forego such prospects for a small stipend at a foreign place. When he does leave this country, he carries his national habits with him more than the native of any other state. A French consul of the third class has more of emolument than is accorded to a judge in France. There are greater claims on the hospitality of British consuls than on any other consuls.

1026. Are not foreign consuls allowed postage, stationery, printing, and also for law and travelling expenses?—The French ones are, and also for the purchase of all works upon commerce and statistics which appear in the country of their residence. They have also an allowance in the nature of outfit (*frais d'etablissement*) on every change of appointment.

1027. Are they permitted to give an unlimited supply, and charge the same in the accounts they give in?—They charge them in their yearly contingent account.

1028. And they are not objected to?—No, not in any case; but the expense is not usually large; foreign works are cheap. In Germany the number is very great of statistical and commercial works. As far as printed works are concerned, I think it would be sufficient if one consul in each country were directed to send them home; but all the others might buy and retain them as works of reference.

1029. Do you attach any importance to the allowance for postage?—I do; the want of reimbursement forces the consuls, upon their present narrow salaries, to avoid the charge as much as they can without violating prescribed duties.

1030. Is there any foreign country in which more than one or two statistical works are published in a year?—I should think 20 or 30 in Prussia, and most of them accurate and well-arranged treatises. I do not include mere pamphlets in this conjecture.

1031. How many consuls are there in Prussia?—There is only one now, at Dantzic; the others are vice-consuls.

1032. Has the consul to pay for the letters he sends to England?—He has, unless there is some opportunity of sending them free of postage.

1033. Is not that allowed in the account of the consul?—No charge of the kind is allowed except in the correspondences with the Audit-office.

1034. Is that the case up to the present moment?—I cannot say, I only speak up to my last employment in 1832; it has once happened to me that I had 32 dollars to pay for some printed instructions.

1035. The largest portion is English postage; have you not to pay that?—We have the whole of the inland postage to pay, which is very heavy; you pay by the weight of the packet.

1036. By English postage you mean the postage of communications from England, but not any part of the postage chargeable on this side of the water?—Merely from the other side of the channel to the actual place of delivery; and the consul is obliged to pay for letters he sends, up to the point of embarkation. Consuls have also very frequent communications from individuals, who wish to make inquiries; it would be impossible to avoid receiving, and discourteous not to answer them; so that the consuls have generally to pay the postage both ways.

1037. Have you any documents, or from memory can you furnish the Committee with information as to the amount you have had to pay for postage?—I remember

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—I remember in one year my postage accounts reached about 72*l.*, in Prussia.

1038. From Dantzic?—From Königsberg.

1039. Was that any particular year?—I think that was the greatest amount, that was in 1825.

1040. How does the post pass from Königsberg to England?—Through Hamburgh, unless "via Calais" is put on the letter.

1041. What per centage would that have formed upon your allowance?—At that time it was about a 20th of my gross income; if it had happened after my salary was reduced, it would have absorbed a 10th, but it occurred anterior to that.

1042. Do you think in any year afterwards it would average that amount?—I should think, one year with another, 50*l.*; and I do not imagine that many consulships are below that for postage, and 180*l.* for other office expenses.

1043. You received more communications than an ordinary consul would do, because you were partly a political agent, and had branch correspondents unrecognised by Government?—Yes; active and capable as the Prussian employés are, I have sometimes been enabled to anticipate them, and had such means of information, that our envoy at Berlin was apprised by me of the Emperor Alexander's death, and what followed upon it, several hours before the Prussian government heard of those events. Of course this was not conveyed by the common post, but by estaffette, and I could charge an expense of that kind if the occasion were admitted to be of such importance as justified the cost.

1044. Is postage in Prussia charged by the grain?—Yes.

1045. What is the charge?—I forget the exact rate; it has varied two or three times, and always advanced; but the common letter from England would cost about a dollar and a half, 4*s.* 6*d.*, and we got very few such letters; they are usually written upon thick despatch paper, and often with large enclosures.

1046. What does a letter from Hamburgh cost you?—Exactly the same; it is paid to the point of reception.

1047. A common sheet of paper with an envelope would be about 4*s.* 6*d.*?—Yes.

1048. What was it at Calais?—I had very little charge of the kind there, because the packets were under my control, and I sent a bag, the casual charges were very light indeed.

1049. Have the vice-consuls the charge of their respective postage?—It does not fall heavily upon them; they receive communications from the consul, and rarely from the Foreign-office, or the mission.

1050. So that in fact the communications to the vice-consuls come through the consuls?—Yes, chiefly.

1051. You consider that the effect of the consul having postage to pay, prevents so many communications coming to him as he would otherwise have?—Yes; if I had forwarded to Government everything that I should have liked to have forwarded through the medium of the post, my expense would not have been less than 200*l.* a year from Prussia.

1052. Are you able to state any reason why a difference should be made between the consul and the officers of the Foreign Department in general in this particular?—I am not aware of any reason.

1053. Besides having a more defined jurisdiction, is there any advantage which Foreign consuls have by which British consuls suffer in the comparison?—Taking the French consuls for an example, I should say that they have several advantages over the English. In the first place, the French consul is, *virtute officii*, chief of his nation where he resides; the English consul has a rank assigned to him, by an arrangement with the Admiralty, that places him between the major and lieutenant-colonel; every captain of a rated ship-of-war ranks before him, and his local consideration must necessarily suffer by that. In some countries, consuls have a corporate kind of disconsideration instead of a comparative one; they cannot (quâ consuls) be received at court. At Naples and in Denmark no British or other consul-general could be presented, though the junior attaché to any mission would, of right, be received. Probably there are other courts where the same regulation excludes.

1054. Is there any pecuniary disadvantage?—I should say that the foreign consuls have always the advantage of knowing what their income is; they are

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not exposed to fluctuation, and they are rather encouraged in all the contingent expenses.

1055. Have they any fees?—They have notarial fees, and some of them a low tonnage fee. Another point of disadvantage is the costume worn by our consuls. The French consuls have an embroidered uniform, that denotes a person of some consideration, and the English, under a late regulation, have only a kind of laced coat that is worn by very inferior persons. I have this morning prepared a memorandum upon the subject, which I will put in with your permission.

[*A Paper was delivered in, and read, as follows:*]

I SUBMIT that the local consideration of consuls is injuriously affected by the regulation which places them below any post-captain in the Navy. If the division into classes should be adopted, a comparative rank might be established in accordance with the principal grades. For example, the rank of major-general to a consul-general, and to a consul of the first class; consuls of the second class as colonels, and consuls of the third class, together with honorary consuls, lieutenant-Colonels. Perhaps it would be expedient to add that such comparative local rank was not to prejudice any other position which custom may have assigned to the consul at the place of his residence. The gradation would chiefly apply to the intercourse between the Navy and the consuls, and as the French consuls are, *virtute officii*, the "chiefs of their nation." I do not apprehend that the degrees I have proposed would be more than the respectability of the service requires. There is another matter of ceremony which might be regulated upon a corresponding scale. Consuls-general are now saluted by ships-of-war with nine guns, and consuls "may be saluted with seven guns." A British factory is also to be saluted with nine guns: thus positively bestowing a greater degree of military pomp upon a purely commercial body than is granted of courtesy to the officer under whose protection the factory is placed, and in whose person the King's commission is honoured. I should propose that 11 guns (formerly the salute to consuls) should be given to consuls-general and consuls of the first class; nine guns to those of the second class, and that the honorary and third class consuls be treated as field-officers. The uniforms now appointed are generally objected to, both from their indicating a very subordinate station, and because they resemble the dress worn by menial chasseurs on the Continent. Carrying on the preceding analogies, the first class might have uniforms (of the national colours, red with blue facings,) embroidered in gold, three bars with a waved leaf; the second with two bars, and the third with leaves between two bars. The uniforms of the French consuls are very rich indeed, the kind of costume which implies an officer of some eminence. All these matters may appear upon the first view unimportant or even frivolous, yet when the habits and notions of most foreign countries are considered, the value of them in securing the due estimation of our consular agents, will, I trust, be admitted.

1056. Do you find that an English consul is less esteemed and less respected than a French consul?—British influence might under proper management be the stronger. I have no doubt, however, that the French consul, at places to which we send out no regular consul, has a better position than a trading English consul, on account of the independent station of the former. He has also the advantage of being originally presented as chief of his nation, invested with sufficient authority for all desirable purposes, whereas our consuls are obliged to acknowledge a station below that of every naval captain, and having no consular powers conferred by law, are frequently resisted in the attempt to exercise them.

1057. Do you not think that in private society the British consul would have a great influence?—I should think he would, if properly selected for the place, and possessing sufficient authority and station.

1058. Have you sustained inconvenience from the circumstances to which you have alluded?—But for adventitious circumstances, I apprehend that I should have done so.

1059. Do you think, from the advantages which a person occupied in the consular department has of knowing the commerce of the country, and so forth, that it would be at all an advisable thing to blend in a greater degree the consular and diplomatic departments together?—I think the relations might be drawn closer, and that both would gain, provided the consul were impressed still that his prominent duty was to attend to the commercial interests, and that every other consideration should be subsidiary to it.

1060. Do not you think that it would be advantageous if the impression were done away, that a diplomatic agent cannot be transmitted to the commercial department, or the consular agent transmitted to the diplomatic department?—I agree in that view. I think the consuls should be persons qualified for diplomacy, and on the other hand, that the younger diplomatists would become competent for the situation of consul, but not always desirous to fill it.

1061. For instance any embassy, having in that embassy some gentleman who had

had filled the consular situation in the country where it was situated, would bring a great deal of commercial and useful knowledge?—Yes; but both parties ought to consider that every political movement is to be watched with reference to its bearing upon the trade of their country.

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1062. Do not you think that such a mixture of the two services would tend to render our diplomatic service more acquainted with commercial knowledge?—I sincerely believe that it would. I must, however, submit that it would be a great hardship if the persons of the diplomacy should be allowed to enter the superior consular service, if those in the consular service were not allowed to enter the diplomatic service advantageously.

1063. Do you conceive that there is any regulation existing at present which prevents the Secretary of State from exercising his discretion in that respect?—No regulation I am nearly sure, but a very strong custom; there have been deviations, but they could hardly be explained upon public grounds, with the exception of a recent instance, where the object was to save a heavy pension.

1064. It is not common?—It is not; but where a consul has been so rewarded, it was always with a high diplomatic rank. There may have been half-a-dozen examples since the peace.

1065. Do you think also that with regard to the economical arrangements of the two services, if the two were joined together, it would be possible to make both services more efficient, and still at the same time to diminish their expenses?—Yes, I think it would; for instance, a man unemployed might be attached to some mission till a suitable employment offered, and so relieve the dead weight attendant upon the necessity of a pension.

1066. Do the consuls at present have any retired allowance in the intermissions of employment?—Some of them have an allowance, those who have a sufficient length of service.

1067. What is the length of service which entitles them?—The minimum of service is 10 years; it is the same Act of Parliament which applies to clerks and other public officers that regulates that; it is very much at the discretion of the Lords of the Treasury. The Consular Act refers to this. The largest pension ever granted to a consular agent was before that Act, a case specially considered; 1,200*l.* a year was the grant. At one period a deduction of 10 per cent. was made from consuls' salaries, to form a superannuation fund; yet the subsequent sanction was announced as a boon.

1068. Do not you think, from habits of inquiry and the constant endeavour to bring facts together to draw practical conclusions from them, gentlemen connected with mercantile service would do greater justice to the commerce than other persons?—Such an habitual exercise of the mind is very desirable. This faculty is, however, usually acquired by merchants with a view to their individual advantage; and, with the best intentions, it may be doubted whether it would be so acute when that object was excluded. I doubt, also, whether a successful merchant would, on retiring from one profession, embark in another which is full of accessorial duties that he would still have to learn.

1069. But there is no necessity for knowing commercial facts?—Not the details of them as treated in a counting-house.

1070. Have you heard of British consuls being bankrupts, and what is the consequence?—There has been an instance of the kind within my knowledge, at least of a consul failing in business; the process of bankruptcy in foreign countries is so tedious that they seldom resort to it, but he remains in a state of failure, or of insolvency, and his affairs are administered by assignees: so that he would be under the influence of others. This contingency has been adverted to by Vattel and by other publicists.

1071. Can you name any disadvantage peculiar to the consular system which you think an approved system would not remedy?—I should think it an evil for a man to spend his whole life in foreign countries, and at last to return to his own almost as a stranger. Such would generally be the result of a 30 years' service, and there is no help for it. Another disadvantage is, that the frequent benefits which consuls may procure for others, through their local influence, seldom or ever comes to the knowledge of his superiors in office; while any fault committed or implied, is sure to reach the Secretary of State in the form of complaint, and often with great exaggeration.

1072. Is not the latter advantage which you just mentioned the case with all public officers abroad?—Yes, but then the good is also known, which I appre-

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hend it could not be in this service, unless the consul became his own reporter.

1073. Do you know from your experience, whether in cases of bankruptcy of consuls, the public papers would be exposed either to seizure or inspection on the part of the government of the country?—Not on the part of the government. I apprehend the magistrates would put the seals on all of them. The papers of a trading consul are not likely to contain anything that requires to be kept secret.

1074. Have you understood that the British consuls are charged with interfering too much with the politics of the country in which they reside?—I have heard of such a charge, but I believe it to be generally unfounded. By "interfering in politics," in an objectionable sense, I should understand attaching themselves to a particular faction or party, that would be injurious in a high degree; but at the same time, I think it is necessary, with a view to the general interests of trade (for every political event, as I have had the honour to observe already, must have some bearing upon it) that the consul should take care to be informed of everything that passes in the country of his residence. The consul might, however, be ordered to give his reflective influence to a party; and if that cause turned out to be the unsuccessful one, then the Secretary of State would consider him "expended" in so far as related to the particular country, and employ him somewhere else.

1075. Are you able to suggest any inferior duties that might be performed by the consul?—Chiefly in relation to statistical and financial relations; all those details might be supplied by the consul; his position enables him to see the workings of them, and report from actual observations and ascertained results.

1076. A very considerable addition might thus be made to knowledge?—I think so.

1077. Do not British consuls exercise a magisterial authority in case of disorderly seamen, and under what sanction?—That is by prescription; in most places they exercise a sort of petty-police authority, but I believe it is of very questionable legality. I have been threatened with actions for damages in two instances: one was in France, where a gentleman required his pretended ward to be sheltered from the designs of a young officer, and I caused gens-d'armes to be placed at her door to prevent the elopement. In the other instance, the mate of a ship had beaten his captain, incited the crew to mutiny, and carried weapons with the avowed purpose of stabbing. I required him to be kept in custody until there was a ship ready to send him home in, which caused an imprisonment of nine days at my cost for his subsistence. Proper as such a jurisdiction would be, I think if it had come to a trial here, I should have been cast in damages; and the fact of the local authorities having left the parties to be dealt with by me, would hardly have operated in mitigation.

1078. Why should not the leading merchant of the place be selected generally for the office of British consul?—My conviction is, that a consul, to be effective, must not be shackled by any civic or commercial engagement. In a proper sense, he should be strictly a British subject, not naturalized as many are in the country of his residence, and wholly unconnected with trade. Mr. Huskisson once observed, that "a consul was not merely a commercial agent, but an officer established for the general purposes of the State." To fulfil this intention he must be deemed invested with a national procuration. I consider that social station, such as secures a friendly intercourse with the superior authorities of the place, is highly essential; for when the consul is known to have a ready access to the higher functionaries, the subordinate officers will be cautious as to neglects, impediments, or chicane with reference to the subjects of that consul's nation. The reasons why a merchant cannot accomplish the objects in view are these principally. However honourable he may be in reality, there will always be a suspicion that profit in business is his first object, which notion, coupled with the jealous caution that is observable in the relations between merchants abroad, would keep his countrymen from referring to him in cases of difficulty; and if they did so refer, the local authorities are much less likely to accede to the demands of a man who may have partial or personal designs, than they would be where the request is framed by one known to be disinterested. A person also whose position requires that he should occasionally solicit favours for himself, can hardly be expected to exhaust interest, if he possessed any, by pleading earnestly for others. In many countries there is a good deal of separation between the functionaries and the merchants. Persons employed by Government

vernment are less opulent than merchants, and frequently assert their consequence by forming a class among themselves, or with the aristocracy and the military. In illustration of the consequence of this, I remember a French consul having obtained by ten minutes' conversation before dinner that which a consular merchant had previously solicited without any result. The appeal was for the application of a lower rate of duty in both cases, and the trading consul's case would have probably been rejected but for the analogy with the case that the French consul had procured an immediate decision upon. The duties of the King's servants abroad are very grave duties, yet they are frequently accomplished by what appear trifling means. Another highly inconvenient effect has been that in cases of British consular merchants, another merchant having on some emergency wished to execute an assignment or a bill of sale, has travelled to get it attested by the next non-trading British consul. The resident agent might be a creditor, or at least the credit of the applicant would be at his mercy. In all the countries I have known, there is a marked difference between what they call "consuls-envoyés" and merchants-consuls. In France they have distinct forms of *exequatur*, granting to the former "the effect of his said patent, together with all the immunities, privileges, and pre-eminence attached to his employment;" and to the latter, only the permission to aid merchants and mariners in their lawful and commercial pursuits. A knowledge of commercial detail is, I am confident, not requisite to the effective discharge of consular functions. It is quite sufficient, I should almost say preferable, that the consul should have the same kind of knowledge as the administrative, fiscal, or judicial authorities who have to decide upon such matters. The priority of intelligence which, especially at distant stations, has often been afforded to British consuls is still remembered as a cause of many unfair advantages being gained over other merchants. For example, a war announced with one country, revived intercourse with another; an increase of duty upon a particular kind of merchandize, or a premium on its importation, amounted to a faculty of pre-emption, and enabled the favoured individual to take the largest part of the benefit, and to reject the loss upon the uninformed mass of merchants. These things chiefly occurred many years ago, *Consule Planco*, but circumstances might bring back a repetition of them. A distinguished admiral mentioned to me that the favourite service of a captain in the Navy used to be what was called "a roving commission." It was done in this way: the captain was ordered to a particular port, there to arrange secretly with the consul the period of his return as convoy. In the interval he might cruize about for prizes, and in most cases when he returned at the appointed time, the ships freighted by the consul were the only ones ready for sea. It was quite needful to keep the matter secret until within a short time of the commodore's re-appearance, as the privateers would otherwise have been hovering about in the hope of capturing the heavy-sailing ships. Both among British and Foreign merchants I have met with many individuals of high worth, attainments, and intelligence, in fact, men qualified for much superior things to consular employment, and nearly all of them considered a consul's duties incompatible with the business of a merchant. At a great many places, the English merchants are beginners in business, and if some foreigner is selected on account of his eminence among the local merchants, our countrymen's national pride is wounded, and they keep aloof from him. The spirit of townsmanship is another serious objection. During my 24 years' experience abroad, I have met with but one foreign merchant who was sincerely attached to the British interests, and even he would not consent to act against the parties who had conspired to outrage a Scotch gentlemen in the most shameless way. In this case the complainant, a banker of known integrity, went over to attempt the recovery of some considerable funds which the cashier had absconded with, and partly applied to the establishment of a brother in business at a foreign place. That brother, however, was determined to attempt a counteractive course, swore that the banker owed him a large sum, and caused him to be arrested. The end of the law-suit was, that the fraudulent party had to pay the costs, and the sureties forfeited; yet no person could be found to hold a power of attorney to carry that judgment into effect when once the aggrieved individual had left the place. I am certain that the merchant I have alluded to would have willingly paid the amount from his own funds if he had been convinced that he was shrinking from the discharge of a moral obligation.

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All the other inhabitants reprobated the conduct, but still the delinquents were their townsmen, and they would not act against them. Beyond the remark that the consular functions require the undivided attention of an active man, I will only occupy the time of this Committee by stating two other disqualifying considerations with respect to the employment of foreign merchants as consuls. Except by deprivation of office, the British Government has no means of punishing them in case of misconduct; and if they do the duty required of them in furnishing intelligence of a kind peculiarly affecting the trading interests, such as armaments preparing, they would be liable to punishment as for treasonable practices.

1079. In the smaller places where there is not much trade or many English residents, it would be immaterial giving the appointment of vice-consul to a resident merchant?—I think it is on many accounts desirable that it should be a resident. If I were a consul I never should employ any other, unless he were sent out by the Government at home.

1080. In fact, your idea of the proper consulate would be, to have a superior agent at a proper place, receiving the authority simply from the Government, and that he should have within a certain circuit, agents employed by him, either natives of the place or Englishmen?—Yes, in most cases; I should say preferably the natives of the place as sub-agents.

1081. At no salary?—I should mention that none of the foreign governments pay their mercantile consuls or vice-consuls any salary; it has been sometimes deviated from in our service, but with regard to Foreign states, I believe there is no exception to the rule of allowing nothing for consuls in trade.

1082. Is it your opinion, that though it is better to have a consul paid, and not trading, where for some particular local reasons the vice-consul is allowed to trade, the Government ought to have the benefit of his services without paying?—Merely the fee upon documents, which might be improved, and the office, as it attracts some attention to himself. Foreign governments have never found any difficulty in getting honorary consuls as well as vice-consuls, without salary.

1083. Might not many vice-consulates be abolished, particularly in the southern ports?—I should think there was a redundency, if the public paid them; but they might each have an occasion to be useful, and they cost nothing, they are in the nature of antennæ.

1084. Consequently an improved consular system might be established without much additional charge to the public?—I believe it might be so recast as to fulfil the objects of its institution without any considerable addition of charge, provided the notarial fees and the other fees were improved.

1085. Have you known any instance of a consular situation being in a place where it is not wanted?—Yes, I have known several such instances. I should say that the making a separate consulate of Memel, in 1826, was founded upon the erroneous notion that the quantity of shipping indicated the necessity of a consul, whereas this was a port already under my commission, and completely under the control and the authority of Königsberg. The trade of Memel is one of absolute loss to us; it takes nothing.

1086. Was he transferred when an opportunity occurred?—Yes, he was; when the present Secretary of State perceived the uselessness of the place, he transferred him on the first opportunity.

1087. Are there any other instances?—Yes, I think there were; but I do not distinctly recollect them. A consul was appointed to Caen, in Normandy, which was not necessary, and has since been abolished on the showing of the ex-consul himself, who wrote to assure the Secretary of State that he had little or nothing to do.

1088. Have you any other information to give to the Committee?—I apprehended that the previous qualifications of candidates for consulships might be inquired into, and I have just sketched in the next room a paper upon that subject.

[*The Witness delivered in the same, which was read, as follows:*]

Beyond the usual attainments of a gentleman, and the manners which adapt the candidate for society, I think he should at least write and speak one foreign language perfectly, besides French; and possess a fair knowledge of statistics, jurisprudence, and international customs; a knowledge of commerce, sufficient for a small consulship might be very quickly gained, and official habits secured by attaching the individual admitted, to a first class consulship for six or twelve months. I think no one ought to be appointed to an independent consulship

consulship, who is under 25 years of age, and if admission were barred to persons above 30, a more regular career would be probable, and the claims for retirement less frequently called for. Here I would venture to interpose the observation, that as the consular service can never offer a brilliant perspective, unless it becomes blended with the diplomatic service, the point of admission should not be fixed too low. If an unpaid probation were required (as in diplomacy), persons with the necessary qualifications would scarcely be induced to enter it, or they might become embarrassed by the effect of doing so. In the French service the sons of consuls have a preference, and in their case nothing of degradation would be felt in serving the father as secretary or vice-consul. The habitudes of official business would be sooner learnt, and benefit would result from the precepts of one more than commonly interested in his pupils success."

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1089. Should the private affairs or pecuniary concerns of consuls be taken cognizance of by the Government?—In many cases I think so. If the consul is extravagant, he perils his respectability; if he embarks in money speculations, a still more evil condition might result, and he would be at the mercy of those whom he could not pay. Any immoral habits would bar his access to the better classes of society in some countries, and consequently annul his influence. If a consul were embarrassed from the effect of sudden reduction of income, or failure of customary emoluments, the Government could not blame him; but a man in difficulties becomes irritable and indisposed to business, and where he conceives himself aggrieved, he naturally broods over and suffers it to occupy his mind, instead of giving his whole thoughts to the duties of his public station.

1090. Do you think that by placing young men, with a view to promotion in the consular line, first as a means of education with the diplomatic mission, there would not be risk of his acquiring habits foreign from those which he would require in his subsequent pursuit?—Perhaps it would be better that his earlier bias should be to the consular service. I commenced by assuming that the two lines were distinct, though I deem the qualifications to be identical. I think they might be advantageously brought together, but the whole of my commencing observations were to suit the notion that they would still be separate careers, unless in special cases not to be counted on.

[*The Chairman delivered in a Letter from Mr. Wood, which was read, as follows:*]

Dear Sir, St. Leonards-on-Sea, 22 July 1835.

THERE were one or two points to which my evidence before the Committee did not extend, which I should be glad you would either state as this my written opinion, or procure from other witnesses their views upon them, which I doubt not will go to confirm mine. Unless for special reasons vested with diplomatic or political powers, the consul should not interfere in the municipal affairs of the town, or give his opinion on the administration of the laws of the country; nor animadvert on the situation or character of the authorities of the place, unless they militate against or call for his interference in behalf of British merchants or their property. With regard to the inference attempted to be drawn from one of my replies, that the consulate should be composed of or kept open for "unsuccessful merchants." I think that my reply, together with the subsequent testimony of the next witness (Mr. Ferrier), completely establishes the error of that impression, but I would provide as far as possible to prevent the consul from making his necessities the means of favouritism, by compelling him to certify to his being free from all pecuniary embarrassment, and upon the discovery of his incurring any pecuniary obligation to any merchant at or connected with his port, to be subject to instant dismissal; as also upon the proof of his evincing any partiality in the discharge of his official duties.

I have, &c.

To P. H. Fleetwood, Esq., M.P. (signed) *Thomas Wood.*

John Macpherson Brackenbury, Esq., called in; and Examined.

J. M. Brackenbury, Esq.

1091. WHERE are you consul?—I am consul for the Province of Andalusia, residing in Cadiz.

1092. How long have you held that situation?—Since the year 1822.

1093. Did you hold any situations in the consulate before?—Never.

1094. Have there been any material changes as to the information that you have sent home, or in the duties that you have been directed to fulfil since you were first appointed consul; do you send information upon many additional points to what you were originally instructed to do?—The instructions have of late been amplified, but the nature of the first instructions was like the present.

1095. Have you been in the habit of forwarding regular statements?—I have, in obedience to the consular instructions.

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1096. What is the date of those?—The last of the instructions was in 1833.

1097. Previous to that time, were the instructions very vague?—No, not vague.

1098. Were they limited?—They were not so extended as those of 1833; but they were quite clear.

1099. Have you a copy of the instructions?—I have not with me.

1100. How often have those instructions been altered?—Under the head of instructions to His Majesty's consuls, I have had three different instructions, but scarcely a month passes without my receiving instructions from the Foreign-office or His Majesty's minister at Madrid, upon particular points arising out of local circumstances.

1101. Have you had three distinct codes of instruction?—Yes.

1102. What were the dates of those?—The first was when I went out in 1823; they were given to me with my orders to repair to my post; the second were sent out some years afterwards, and the last in September 1833.

1103. In what way were you paid?—By a regular salary of 490 *l.* a year, which, with the deductions of the Treasury, was net 487 *l.*; and, in addition to this salary, I had also considerable fees on shipping. I should here remark, that His Majesty's consul at Cadiz always enjoyed a regular salary from Government, in addition to his fees, when other consuls did not.

1104. What would the fees average?—My fees for the three years previous to the passing of the Consular Act, averaged 842 *l.*, which with my salary of 487 *l.*, made my income 1,329 *l.* a year.

1105. Was that the average of the general years?—The first year was 783 *l.*, the second was 745 *l.*, the third was 998 *l.*; that of course averaged my consular income, arising out of salary and fees for these three years, at 1,329 *l.*

1106. In 1826 you had a salary?—Yes, in 1826 a salary of 800 *l.* a year was assigned to me by Government.

1107. And with no fees whatever?—Yes, with the fees arising out of the tables (A) and (B) of the Consular Act, the amount of which I have annually transmitted to the Foreign-office. From 1826 to 1831, my consular income, arising out of this salary and fees, averaged 1,182 *l.* a year. I remember taking occasion to observe, upon the assignment of 800 *l.* per annum, that I was very grateful for the augmentation of my salary, but I apprehended that the change would tend to a considerable diminution of my income. Mr. Canning informed me in reply, in his despatch of 15 February 1826, that any representation made by me of the diminution of my income would be hereafter taken into consideration, and that I must bear in mind the great advantages given to His Majesty's consuls by the new arrangement, in assuring to them a superannuation allowance on retirement, in proportion to the salary then granted,

1108. What is the salary and income now?—I have stated that during three years, that it was 1,329 *l.* a year, for seven years it was 1,182 *l.* a year, when my salary was reduced, without any previous notice, from 800 *l.* to 500 *l.*, which sum with the fees have reduced my consular income to 734 *l.* a year at Cadiz; 500 *l.* of which, namely, the whole of my present salary, is consumed in the payment of my house-rent, the payment of my vice-consul, and of my first clerk.

1109. Since when?—Since the reduction, 1832, from 800 *l.* to 500 *l.*, that is three years. The hardship of this reduction to us consuls, at least to myself, seems to be two-fold. The first is the suddenness of that reduction without notice, and the next is its being in direct opposition to the assurance given in Mr. Canning's despatch, when the fees upon shipping were taken from us, and my salary was increased; wherein it was stated that consuls were placed upon the same footing as other public servants, and therefore their retirement from the public service would be upon the salary then granted.

1110. What is the salary allowed to the vice-consuls?—The Government make no allowance to a vice-consul at Cadiz. Out of my income, I grant 200 *l.* a year to my vice-consul, the sum granted by my predecessor.

1111. Do you think it is requisite to have a consul and vice-consul at Cadiz?—I am quite sure that no consul could do the work without. I have constant employment for four in the consular-office, myself, my vice-consul, my chief clerk and another clerk.

1112. You mentioned that a new code of instructions was sent out in 1833;

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were you directed, when those instructions were sent, to reply to that, or only to send one general answer to the whole?—Replies are not requisite to the whole of them; they embrace all the duties that His Majesty's Government require of the consuls, and therefore some of those instructions direct us to transmit returns periodically, the others are instructions upon general principles.

1113. Do you consider that when those instructions were forwarded to you, it was an imperative duty to forward periodical returns, or returns at such times when you had any to send?—Both, certainly; because the periodical are defined, and the others must necessarily arise out of circumstances. I could not forsee what I should have, or should not have to communicate to the Foreign-office in the ensuing week.

1114. At what dates do you send regular returns in the course of the 12 months?—Some annually, and some quarterly.

1115. Have you, since those instructions were sent out, returned quarterly replies to such of them as you felt requisite?—If I had not done so, I should have subjected myself to the reprimand of the Government.

1116. But you have sent quarterly returns; you have never been longer than a quarter without sending?—Never.

1117. Did you consider by those instructions that it was requisite to send an account of any change between the treaties of Spain and any other countries, or of an increase or decrease of trade between Cadiz and any other ports?—All those are subjects that are more regularly communicated to His Majesty's minister at the court of Madrid, for the simple reason that His Majesty's minister being so much nearer, our communications are of course more frequent. I am instructed to communicate directly with His Majesty's minister at Madrid, and only with the Government when I deem it requisite; doubtless, because the accredited minister at Madrid is competent to redress any grievance that may occur.

1118. Do you think it more desirable to have this correspondence with the minister in Spain than with the Government?—I did not mean to infer that I had not a direct and constant communication with the Government; but there are many cases that it is not worth while to trouble the Government upon when the minister is upon the spot, who can so immediately attend to and redress them.

1119. To whom are you in the habit of furnishing statistical information?—To the Government at home.

1120. Sending copies of such despatches to the King's minister?—Yes, when necessary.

1121. What is the greatest length of period which elapsed between the periods of your sending statistical information to this country?—I am obliged to do it every three months, and should more frequently, if requisite.

1122. Not more than three months elapses without your sending statistical information?—No, never.

1123. Do you think that the alterations that have been made from time to time in those regulations and instructions to consuls have been such as to adapt them to the modern state of commerce, and our existing relations with other countries?—I do.

1124. Do you think any part of the consular system can be improved?—I should think, like all other systems, it is capable of improvement.

1125. Upon what points?—It would be difficult to give an opinion upon that subject without reference to my own peculiar situation; but I should think that there could be a great improvement of the system of consulates in various ways; amongst others, it would be an improvement if the consular service could be placed upon a fixed and permanent basis.

1126. Is there any other point respecting fees, or respecting instructions to consuls, or the mode of qualification, or any other point upon which you can suggest improvements?—Yes, upon several points. The duties of consuls can be much better discharged by those who are not merchants; non-trading consuls are more disinterested. As one merchant would not allow a rival merchant to know the nature and extent of his transactions, so a merchant-consul ought not, from his official situation, to have the advantage of gaining information, of which, were he to avail himself as a merchant, he would do manifest injury to the others. He would not trade upon the same footing as those

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those around him; and, if he did not avail himself of the advantages of prior knowledge, he would not do his duty to his consignors.

1127. Your remark applies to those who are merchants, and not to those who have been merchants?—I apply my remark to those who are discharging the two different duties of consul and merchant. The non-trading consuls are more disinterested towards the merchants; they are quite independent of the merchants, and wholly so of the Spanish authorities; their opinions, therefore, are more respected, and their representations more speedily attended to. I will illustrate these opinions of mine by a simple fact. Since I have been at Cadiz, the governor of Cadiz sent and took forcible possession of British property to the extent of 22,000 *l.* or 26,000 *l.*, put his keys upon the British merchant's warehouse, and debarred them of all access to that property which was legally then under that merchant's control. I immediately presented myself to the governor, respectfully but firmly to remonstrate against such a proceedure; his reply was, that I knew as well as himself that he was not the responsible person, but that his assessor, who gave him the advice, was responsible to the Spanish Government. I then asked the governor whether he had any objection to call in the assessor to my presence, telling him that it had been the great satisfaction of the British consul to be upon the best terms with the local authorities, that it was my earnest desire to maintain that harmony, and that nothing could be more painful in the discharge of my duty than to make any representation, either to His Majesty's Government at home or to the British minister at Madrid, that would render the governor of Cadiz liable to the painful but inevitable consequences of the investigation of this matter. The assessor was called for, and on my propounding to him three questions, the governor took him aside, and soon afterwards told me that the property should be released. Now had I been a merchant, and interested in that cargo, I could not have assumed the same tone to the governor, and peremptorily have demanded at his hands the immediate restitution of that property, because the character of consul would have merged in that of merchant, and the Governor would not have paid the same attention to my representations if I had had an interest in the cargo. Merchants would also be obliged to comply with certain pecuniary forms and transactions, which are indispensable in his mercantile dealings, and which would be incompatible with the duties of a person holding the situation of consul, and discreditable to his office.

1128. How many vice-consuls have you under you in different parts?—In the whole province, eight.

1129. Are they connected with trade?—In four places they are foreigners, and connected with trade; in four they are English, three of which are connected with trade.

1130. Do they receive salaries?—Only one of the eight from Government, and he is connected with trade.

1131. Have they any fees?—Yes; they retain those which they receive under the Consular Act.

1132. In whose appointment are they?—The consul recommends on a vacancy to His Majesty's Government the individual whom he may select, and his recommendation is generally attended to.

1133. Can you suggest any situation in Spain which you think might be abolished as vice-consuls, or can you suggest other situations where consular appointments might be made for the benefit of trade?—I know very little of consuls' duties in Spain beyond my consular department, I do not need more vice-consuls than those acting under me, and I do not think that I could diminish the number.

1134. Have British consuls been active in calling the attention of Government at home to the treaties between different governments?—I can only speak to that which comes within my own knowledge. I have been eleven years at Cadiz, and have never been found fault with by the Government at home, or the minister in Spain, for any neglect of duty on that point.

1135. Do you obtain copies of treaties between Spain and any other countries?—The treaties between Great Britain and all other countries are regularly furnished to me.

1136. Have you not made yourself acquainted with the other treaties?—I am furnished by the Foreign-office with all the treaties between Great Britain and

and other countries, and I have procured from time to time at my own cost such other treaties or ordinances as I thought it requisite to be informed upon.

1137. Have you procured copies of the treaties between Spain and other countries?—Yes, of some of them.

1138. The ordinances connected with Cadiz?—Those I receive as a matter of course.

1139. Are those open to the inspection of British subjects?—Yes.

1140. Have you ever been applied to by merchants and other British residents for them?—Yes.

1141. Whether or not those treaties contained any provisions?—I should rather state that they are ordinances, because the present commerce and trade of Spain are more the subject of royal ordinances than of treaties.

1142. Have you ever felt it necessary to send information home to the British Government connected with any provisions or intended provisions between Spain and any other country?—Never. I have never had access to the knowledge of the intentions of the Spanish government. His Majesty's minister at Madrid, the seat of that government, is the first person acquainted with those ordinances.

1143. You are not furnished with any treaties, excepting what are furnished by the Government at home, or what you are furnished with by the higher powers at Madrid?—Not for the public service.

1144. Is there any previous education or set of qualifications which out to be required for consuls?—I think the consular system might be improved if there were young men brought up, as they are in France, to fill the situations; but I do not think that such previous education is absolutely necessary. A person of integrity and ordinary talent, who chooses to make himself acquainted with the duties of the consular office, has no greater difficulty in so doing than a magistrate, of whom, when he is appointed, it is not required that he should be educated to the law.

1145. During your stay at Cadiz, have you, by the King's minister, had your attention drawn to the ordinances of Government founded upon treaties between Spain and other powers?—Yes; and I have received, both from His Majesty's minister at Madrid and the Government at home, communications founded upon the ordinances and upon treaties between Spain and other countries.

1146. If you had accidentally heard of an important treaty bearing upon British commerce, either started or about to be started between Spain and some other country, should you not have thought it your duty to inform your Government and the King's minister at Madrid upon it?—Unquestionably, I should; and if it had been a matter of great importance, I should have taken upon myself the responsibility to send an express to Madrid with it.

1147. Do you think, with reference to the correspondence connected with commercial affairs, if duplicates of such points were forwarded direct to the Board of Trade, it would be advantageous?—I am quite unprepared to know what greater advantage would result from its going direct to the Board of Trade than through the Foreign-office. I am not aware of any disadvantage arising from the present system.

1148. You consider that office to be the higher department?—Yes; I am quite certain that if His Majesty were hereafter to appoint consuls not emanating from the Foreign-office, they would cease to have that influence in the country to which I am accredited, which they now have.

1149. From that you may infer that a consul in the information which he sends home, would consider that, however much the information was desirable for commercial purposes, it was his duty to look, as his senior masters, to the Foreign-office?—They are my only masters. The minister at Madrid being appointed by the Foreign-office, the Government at home and the minister at Madrid are my only masters to whom I am amenable.

1150. And you do not consider yourself amenable to the Board of Trade?—No, nor to the Admiralty, nor to the Treasury.

1151. And consequently in obedience to the instructions forwarded to you you would deem it most desirable to furnish such replies as would give satisfaction to the parties employing you?—Yes; and in Spain commercial and political matters are so mixed up that it is impossible to separate them; where so much

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much depends upon varying ordinances, the ordinance that affects a commerce might affect a treaty.

1152. Do you think that fees should constitute any part of the remuneration or salary?—My own opinion is, that as long as the consul is a diplomatic officer, he should receive a fixed salary from the Government, and if he is sent to protect the shipping and trading interests, my opinion is, that then the shipping and trading interests ought to contribute to his support.

1153. Do you consider that the salary in the country in which you are interested is paid more for diplomatic than for commercial services?—No, I do not say that; because my commission tells me that I am sent there to protect the trading interests of His Majesty's subjects. But as in the discharge of my several duties, the protection of the persons, the property and the interest of British subjects, form no inconsiderable part, I am compelled to communicate with and to seek redress from His Majesty's minister at Madrid, and the Foreign Department of His Majesty's Government at home, as well also as with the local authorities. Almost every act of a consul assumes therefore, to a certain extent, a political or diplomatic character, and in Spain it would be impossible to separate the commercial from the political duties of a consul.

1154. Do you think it desirable that there should be a fee upon the tonnage of vessels by the ships coming there?—Not only upon the tonnage of vessels, but I mean also upon the trade generally; and my opinion is, that such a rate of duty might be levied upon exports and imports as to create a very considerable fund without inflicting any injury upon those who are employed in that trade.

1155. Without favouring too much the competition of others?—Yes, as in the case of the Spanish consuls in this country; nothing can be imported from Great Britain, or from any port in Europe, into any port in Spain that is not attested or certified by the Spanish consul resident at the port of exportation. This fee varies from *5s.* to a guinea in this country, sometimes more; that is the mode the Spanish government adopts to remunerate their consuls. For instance, if I, residing at Cadiz, were to import from England a box of linen, or a quantity of wine from France, it could not be admitted to enter at the Customs, if unaccompanied by the certificate of the Spanish consul residing at the port of exportation.

1156. That exportation is the way of remunerating Spanish consuls?—Yes.

1157. Your opinion is that a consul's remuneration should consist partly of fees and partly of salary?—Yes, I think his income might be augmented to a certain degree by the levying of such trifling duties upon shipping and trade with Great Britain, as should create such a fund as would enable His Majesty's Government to do justice to those whom they employ in the consular department, without doing an injury to the commerce so taxed.

1158. You consider a system of fees might be devised which would not be onerous on trade, and without giving an unfair advantage?—Yes; I will take Cadiz for my example: In looking over the archives of my consulate I find that Sir James Conyngham, formerly consul there, received his income in this way: a piece of eight, which I believe is about *2s. 6d.*, was paid upon each cask of wine and oil that was exported from the province of Andalusia; it is recorded in the consulate that Sir James Conyngham was authorized to levy these contributions upon British trade to support the British consul. If that system were now adopted in a minor degree, few people sending for a butt or hogshead of sherry would begrudge the trifling addition of *2s.* or *3s.* for the support of the British consul.

1159. Do you know what that produced at that time?—No, I do not.

1160. Do you think it most desirable that those fees should be put into a large consulate fund, and certain allowances made out of it, or that those fees should be paid to the consul of each port?—I should say put into a general fund, because in some cases the fees would not be sufficient to uphold the respectability of the consul, and in other cases it would be greater than a consul need require.

1161. The levying a duty for each consulate would be an obnoxious system?—No consul, I should think, would like it. I would create a general fund; and I should imagine that such a fund might be created without injuring our trade in competition with others.

1162. Not in reference to the Dutch and American trades which are carried on economically?—No; the Dutch are economical traders. The Americans

are not so economical; they give their seamen higher wages, and the American merchant vessel is a better constructed ship for the purposes of commerce than the trading vessels of most other countries, of handsomer built, as well as their being generally quicker through the water.

1163. Do you conceive that it would be advisable for all ship's papers to be given to the consul immediately on entering the port?—I hope in the observations I am about to make on that subject, it will not be construed that I am saying anything disrespectful to any branch of His Majesty's Government; but I have already said that the consular system was susceptible of improvement, that is one of the parts of it to which I then alluded. I am required by my instructions to do certain acts without the legal power of accomplishing them; thus I am told in those instructions that I am to take care that a vessel has not a British flag unless she is duly registered. I possess no legal power over any captain of any English ship to require him to exhibit that register to me, therefore a pirate might come in with a British flag, and I have no means of ascertaining whether she has or has not a right to carry that flag. I am required also to take care that a vessel is not navigated cont ry to law. I have no legal means of ascertaining either the nature or the number of her crew. If I were not required to transmit this information, I should not wish the papers to be deposited with me; but if I am required by His Majesty's Government to discharge certain duties, and the Legislature gives me no power to do so, I think it becomes an important question whether consuls ought or ought not to possess the powers which the Legislature formerly granted them. One thing is quite clear, that adequate means ought to be furnished to that individual, from whom the accurate discharge of important duties is required. I will state another point. I am desired likewise to send home a return of the British and Foreign trade to Cadiz. Now, I have no legal power to look at any import manifest or any export manifest of any British merchant-ship, and hence I am as ignorant by law of the British trade with Cadiz, as if I was not His Majesty's consul at that port; but, nevertheless, as every zealous and faithful servant of the Crown ought to perform, as far as he can, the duties required of him, I do contrive to get a portion of the information by various means, by paying sums to others, which by the way the Government never repay, by having communication with fellow consuls, by being on good terms with the consignees of the merchants, some of whom obligingly send the manifests to the consular-office.

1164. In short by various indirect means?—Yes.

1165. In the time of the fees you had the power of looking at the papers; the injury that you applied to the mercantile service was, that sometimes the papers were withheld till the fees were paid?—I do not believe that to be the case. When I first went to Cadiz, I found that all the business of the shipping was done through the consular-office; the entrance of ships, the payment of their anchorage, their harbour dues, light duties, the payment of their rates, the entrance and clearance of vessels in the custom-house, all this was done in the consular-office. I conceived that the British consul had nothing to do with such occupations, and I sent to the consignees to apprize them thereof, and to acquaint them that the practice would be discontinued, stating at the same time that it would be my duty to help them by my interposition in any case of difficulty which might occur to themselves, or of injustice to British commerce, or injustice to British subjects. My opinion then was, and still is, that a consul ought to have as little to do with mercantile duties as possible, because such pursuits necessarily involve him in many difficulties and disputes, which are better avoided as His Majesty's consul.

1166. Had you the power of inspecting papers till the abolition of the fees?—Yes, I had; and now the British consul is the only consul in Europe who does not inspect ships' papers and manifests. The consul of the greatest mercantile nation in the world is the only one that is debarred from the exercise of a legal control which all other consuls possess.

1167. Has that been the case ever since you were there?—No, ever since the Consular Act came into operation in 1826.

1168. The powers that were previously enjoyed by consuls, you would consider desirable to be restored?—Most unquestionably; and I should say that their powers in certain instances ought to be increased.

1169. Will you mention any instances?—Amongst other instances in the

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public instructions, we are required to settle disputes between masters and mariners. Now the agreement entered into in this country between the master and the mariner if broken in a port of Spain, does not necessarily involve either party in a transgression of the law of that country; therefore, I conceive that the consul ought to be vested with a power to compel the parties to fulfil their agreement. If in this country a seaman chose to break the articles of agreement with his master, I being a magistrate of the county of Lincoln, if the offence occurred in that county, could commit that seaman to the house of correction to hard labour for 30 days, and compel him on coming out to fulfil that agreement; and if the captain did not wish to have the refractory seaman again, there would be no difficulty in getting a substitute; but in Cadiz, where there are no spare British seamen, and where the breach of an agreement made in England, is no transgression of the law of Spain, the consul has no control. I will state a case which formed a despatch of mine in 1825, upon this very subject. The whole crew of a vessel walked into my consular-office one morning, headed by a sea lawyer, a clever Scotchman, who said, "Mr. Consul, we have come to tell you that none of us mean to go home in this here ship." I said, "What is the reason?" He said, "Sir, I do not consider the ship to be seaworthy." I replied, "I am sure you ought not to go home in her if she be not, and as I happen to be an agent for Lloyds', as well as His Majesty's consul, I will take care to ascertain whether those defects in the ship of which you complain, really do exist, and if they be such as you state, of course neither your lives nor the properties of the parties must be endangered; but as I know that you came round Cape Horn in this ship to Gibraltar, (a long and boisterous voyage,) where you were paid your wages, and where you re-entered to perform the voyage to England, how was it that you did not find out this unseaworthiness before?" I however appointed three competent persons to survey the ship, and they reported that she was seaworthy. The crew, however, were not satisfied with this, and I took occasion to appoint another survey, composed of three other surveyors, upon this express condition, that the crew should go with the new surveyors, and point out those parts of the ship which they said were defective; they could not point out the defects complained of, and the consequence was that they turned round upon me, and said, "We know the law as well as you do; you have no control over us in this country, we have only our month's wages to forfeit for breaking our agreement, and there is an American in the bay that will give us 16 dollars a month, and a slaver that will give us 40; and therefore, as you cannot compel us, we will not go to England in the ship." The name of that ship was The Garland, of Poole, and the name of the master was Muxunthy. This occurrence formed the subject of a despatch of mine to the Foreign-office, No. 38, in 1825, in which I asked that magisterial powers might be given to consuls abroad; but the reply was to the effect, that it would not be convenient for His Majesty's consuls to be vested with the power of magistrates at home. The French government give their consuls that power. When there is no ship of war in the bay the French consul exercises the duty of police. The reply from this despatch was on the 20th of February 1826: there is a great difficulty in settling disputes between the masters and mariners, both parties require the occasional services of the consul, who has no power to summon either; no power to correct refractory seamen; who has no power to compel the seaman abroad to fulfil the articles of his agreement made at home; and hence, from this single case (and there are many of a similar sort that have occurred,) your Committee will observe that I have been obliged to ship foreigners on board of English ships, because the English seamen refused to comply with the conditions of the articles of their agreement.

1170. From what nation do you consider we may take an example?—I think the most perfect system is the French upon this point.

1171. Do you think it is desirable that the consular arrangements should be assimilated to the French?—I think we might take several of their regulations as models, upon which an improvement in our own consular system might be based, for the extension of powers to consuls in settling disputes. When a captain makes a complaint against certain men that are mutinous, the British consul has no legal right to bring the mutineers on shore; I am compelled, therefore, to strive by indirect means to do that which other consuls do effectually by direct means.

1172. Are

1172. Are you prepared to suggest to the Committee any improved plan respecting the table of fees?—Yes; I think there are some cases where the fees ought to be augmented; we are called upon to discharge a duty that takes four or six hours, and we are paid no more for preparing and legalizing such a document than for one which takes 10 minutes.

1173. Should the private and pecuniary affairs of the consul be taken inspection of; would an individual who was in an embarrassed situation, be as independent as one who was not so?—Certainly not; no man who is embarrassed, can be as independent as he who is not.

1174. Would it not be desirable to have an affidavit made by the consul that he is not in such a situation?—No, I do not think it ought to be required of him.

1175. Are you aware whether it is required in any department of Government?—I am not aware.

1176. In the customs?—Officers of customs receive public money, consuls do not, neither are they allowed any contingent expenses.

1177. Do not you consider that a consul getting into difficulties in the situation where he resides, his efficiency is impaired?—I should say certainly; because I have known some of the most respectable class of men, at Cadiz, who have been in embarrassments, consuls of great nations, and merchants; their having sunk into these difficulties (though perhaps not the consequence of misconduct, but the result of the uncertainty of commercial pursuits), and of their inability to pay their debts, is, that it has injured them in public estimation, and has diminished their influence with the authorities.

1178. Do you know whether it is usual for the consuls or vice-consuls to make themselves personally acquainted with any useful discoveries or inventions relating to manufactures or commercial concerns in the place or neighbourhood where they reside, with a view of forwarding such information to the Government at home?—Every consul that wished to stand well with his Government, would transmit some such information, even though it were not in his immediate line of duty.

1179. Would it not be in his immediate line of duty?—It would be in his line of duty to forward all information that would be useful to His Majesty's Government.

1180. Do not you think that it would be desirable for the consul to forward information of such a kind to the Government?—Yes; and every consul, I should think, would do so.

1181. Do you think that that is to be principally used for the Government, or to be disseminated for the nation at large?—That is a point upon which I cannot give an opinion. We consuls are the servants of the Crown, and obey the instructions that we receive in sending them information which the Government must deal with as they please.

1182. The information that you transmit to the country is for the Government?—Of course to the Government of the country by whom I am paid.

1183. Are there any points upon which you have not been asked, upon which you could furnish information on the present subject?—Yes, several; and besides, the duties of the consul at Cadiz are different from those of most other consuls. His contiguity to Gibraltar involves him in an immense correspondence with the authorities of that garrison.

1184. Could you state the amount of postage which you have paid in any given year?—I have not paid very heavy postages; the packets come to Cadiz, and the communications I pay for on public account, are chiefly those from Madrid and Gibraltar, whence the postages are not very heavy. The foreign postage is expensive.

1185. Your postage is not large?—No, not so large an object that a gentleman would feel himself justified in making it a ground of complaint. There are two departments of Government which allow consuls to charge the postages on their accounts with them. The Navy Board never send a letter to me, the postage of which is not charged to them by the instructions; but the consul of Cadiz is involved in a great deal of correspondence from his contiguity to Gibraltar; the bulk of my official communication, however, is with His Majesty's minister at Madrid: there is never a week passes or scarcely a single post without affording subjects for political or commercial representation and though

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though the postages are not onerous, yet the expenses incurred on public grounds, ought not to be paid out of the income of a consul.

1186. Is there a chaplain at present at Cadiz?—No.

1187. Who performs all the duties of chaplain?—I do.

1188. Are there many duties which devolve upon you in consequence of that?—A great many, and some of them of a most painful nature; such as visiting the sick, going through the hospital where an infectious disease is; being obliged to pass through wards where there are hundreds of people; visiting such sick and dying persons, and burying the dead, are not consular duties; yet no consul would shrink from the exercise of them, if he felt the assurance that his presence administered comfort to the sick and the afflicted of his country: I, moreover, read the prayers of the Church of England, and a sermon within the consulate every Sabbath-day, to such Protestants as choose to attend.

Lunæ, 3° die Augusti, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

John Bidwell, Esq., called in; and further Examined.

John Bidwell, Esq.

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1189. MR. BIDWELL; you have some papers about Cadiz to put in?—Yes. A letter from the consul, on the subject of the want of sufficient control over British seamen to enforce the fulfilment of the articles of agreement between masters and mariners; together with the answer which was returned to Mr. Brackenbury's letter. I have also to present to the Committee various representations received from consuls, respecting the inadequacy of the present salaries allotted to them. I have likewise to present to the Committee various reports from His Majesty's consuls, showing that they do endeavour as much as possible to execute the various instructions sent to them: viz. A report from consul Foy, on the Swedish trade with India: Two reports upon the trade and productions of Cuba: Various statistical tables respecting the Island of Sicily: Two reports from the consul at Lisbon, respecting the effect of proposed alterations in the Portuguese tariff: Observations upon the produce and commerce of Corsica: A general report upon the trade of Hamburgh, for the year 1834: A new tarif lately published by the government of Milan, and the copy of a treaty with reference to contraband trade: A letter from the consul at Archangel, with a chart of the river, stating the course to be observed by vessels entering the port.

1190. Were those despatches communicated to the Board of Trade?—All of them have been communicated to the Board of Trade.

1191. What is the rule upon which you proceed in making communications to the Board of Trade?—Everything which has relation to commerce is sent to the Board of Trade.

1192. Within whose discretion is the selection of that information: is the order given by the Secretary of State, or is it left to your discretion, under the general order to send what is interesting?—It is a matter of course that all such documents are sent to the Board of Trade. If the papers contain any special matter of interest, they go first to the Secretary of State, and he directs them to be sent to the Board of Trade.

1193. It reaches the Board of Trade, then, nearly as quick as if it was addressed there at first?—Yes, except the time that it takes in copying. Large masses of papers are sent in original. I have with me, for the inspection of the Committee, several of the annual returns of trade sent by consuls. There is one from each country; all of these have been sent to the Board of Trade. They go in original, and the Board of Trade act upon them as they think proper; they are then returned to the Foreign-office. Many of these returns, containing much interesting information, are voluminous; such documents are not copied.

1194. In fact, then, you consider it as a part of your duty to forward immediately to the Board of Trade, either the originals of voluminous statistical documents,

documents, which go to the office of statistics, or copies of information which come from the consuls directly bearing upon subjects of trade?—Yes. When the office of statistics was established at the Board of Trade in the year 1833, a circular was addressed to His Majesty's consuls, sending them the first part of the printed tables, and directing them "to use their best endeavours to co-operate in a work of so much importance, in the collecting and transmitting promptly and regularly to the Foreign-office, all information upon subjects of this description which may fall within their reach." I omitted to notice this circular the other day. [*Vide* Circular.]

1195. Have you thought it a part of your duty to examine whether returns have been made from all the consuls to whom you addressed those circular queries?—I do not think returns have been received from all; but from the greater part.

1196. Have you written to them, calling their attention to the circumstance of their not having complied with those orders?—We have; but you will allow me to ask to what queries do you allude?

1197. To the 39?—The 39 queries were not sent to all the consuls. The Board of Trade requested only that they should be sent to the consuls at the principal ports of Europe.

1198. But then we are to understand that you have not received answers to those queries from all the parties to whom you addressed them?—No, we have not. Some of the consuls have stated that they could not obtain the information required without incurring expense. In some instances such answers have been referred to the Board of Trade, to ascertain whether the expense should be incurred. The answer has been "No."

1199. But at the same time they have been called upon to do it without expense?—Yes. At the same time the consul has been instructed to make the answers as complete as possible, without incurring expense.

1200. Then you have not sent to the Board of Trade any account of how many or how few of the consuls to whom you addressed those circular queries have returned answers?—Not exactly so.

1201. Has there been any account from Havre?—No.

1202. Has the consul there been called upon, subsequently to the first communication, to make a return?—I am not aware of the fact at this moment.

1203. Do you remember the pay of the consul at Havre?—£.400 a year.

1204. Has he been there long?—Since July 1816.

1205. You have other duties to perform, have you not, Mr. Bidwell, besides the consular department?—The general duties of the office.

1206. The consular department gives you a good deal of work, does it not?—Yes.

1207. I mean to say, would you find your time occupied by the business of the consular department as it stands even at present?—Yes; it requires the full attention of an individual.

1208. You consider that the business of the consular department is amply sufficient for the employment of one gentleman exclusively devoting his attention to that subject?—Certainly.

1209. Would it not, in your opinion, enable any gentleman in charge of that department to devote more general attention to suggestions to be given to the consuls, and the character of the information obtained from the consuls, if he felt that his business was exclusively connected with that office, and that he was in a manner responsible before the public for the good execution of it?—Yes, I think it would; but I should observe that all the business which is transacted in the Foreign-office is under the immediate direction of the Secretary of State. Of course any instructions which go from the Foreign-office, go in the name of the Secretary of State.

1210. Will you now explain to the Committee the process by which replies or communications from the Board of Trade are forwarded by you to the consuls: you have told us the manner in which you send the information?—In the first instance the reply from the Board of Trade goes to the Secretary of State, and it comes back to the superintendent, with directions to act upon it. The instructions are then prepared, and previously to being sent off are submitted to the Secretary of State for his approval. In many cases reference is made to the law officers, and upon the answer of the law officers being received, that also

John Bidwell, Esq. also goes to the Secretary of State; he gives orders upon the subject, and they are carried into execution.

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1211. Is there much delay takes place in that way?—That depends upon the nature of the case.

1212. I am speaking of unnecessary delay?—No.

1213. Those instructions come back, and are forwarded almost immediately, are they not?—Yes.

1214. From the Foreign-office?—Yes. I have with me for the information of the Committee the answers to the 39 queries, which have been received from two consuls: the consul at Bergen, in Norway, and the consul at the Cape Verde Islands. These papers will show the Committee the nature of the replies furnished by the consuls.

1215. That bundle consists of the answers, does it?—Yes: there are various tables and tariffs.

1216. There is a Return you have, Mr. Bidwell, of the gross amount of fees received for a series of years by the consuls?—Yes; such an Account has been prepared for the last nine years.

[*A Paper handed in.*]

1217. These are notarial fees?—Yes.

1218. From 1826 down to 1832, the standing regulation I think was, that consuls were not allowed to engage in trade, was it not?—Yes.

1219. Had they been so allowed previous to 1826?—Some of them had.

1220. Without mentioning any names, does it consist with your knowledge and belief, that during the period from 1826 to 1832, when the rule was that consuls were not allowed to engage in trade, there were nevertheless certain consuls who either unavowedly themselves, or by means of houses with which they were connected, did carry on commercial transactions?—Yes, there were some.

1221. Do you conceive that it is easy effectually to prevent such practices?—No, not easy.

1222. Is it easy to prevent a consul from being connected with a house of trade, and from giving to that house certain advantages arising from his recommendation and assistance?—It is not easy; but instructions might be framed to restrict him, under a penalty of dismissal, if it were found that he had disobeyed those instructions.

1223. How is it possible, Mr. Bidwell, to give instructions which shall not be evaded? I will put you a case: suppose a consul at a place having either a relation or a former partner engaged in business there, is there any means of detecting the interest which that gentleman may keep in the house of business of those parties?—I do not think the Foreign-office has means of detecting it; but if the case were to occur, information of the fact would no doubt be sent to the Foreign-office by other merchants of the place, which would enable the Secretary of State to investigate the fact.

1224. Suppose he had advanced money, for instance?—It certainly is not easy to ascertain such a fact; but in the cases before alluded to, information came to the Foreign-office stating that the consuls, though restricted from trading, did actually trade.

1225. I would ask you what, in your opinion, is the advantage which a consul could give either to himself or to any party with whom he was connected in trade, or supposing he himself were in trade, from the circumstance of his being consul: is there any?—I believe that there are cases which would afford advantage to a consul.

1226. Do you think that a consul as a merchant in a place, and a consul not a merchant in a place, would not stand on perfectly fair terms with respect to their business?—I think not, provided the respectability of character were equal.

1227. I mean this: is there any information which can, except under the most extraordinary circumstances, come to a consul which shall enable him to make any money in his business?—Yes; I think that cases might occur which would enable a merchant-consul to make money in his business.

1228. Is it not generally the practice at this moment that the manifest and ship's papers are known to the consul before they are known to the trade?—

There

There is no British law which obliges the master of a vessel to produce any paper to the consul.

1229. Is it desirable that they should bring it, under that obligation?—I think that the master ought to announce his arrival in port to the consul, and produce his papers. Consuls complain that they have not proper control over masters of vessels and their crews. It is desirable that they should have that control, more especially in countries where the government is not settled or is arbitrary.

1230. And if that power were given to the consul, would it enable him to obtain information of consequence with respect to the sale of goods, before other persons connected with the market?—Perhaps it might.

1231. Do you know any port of any consequence in Europe, or out of Europe, in which the ship's manifest is not delivered immediately to the custom-house of the port, and public to all the world before it could reach the consul?—According to the practice in the United States of Rio de la Plata, so soon as a British vessel arrives the master proceeds in the first instance to the consular office with his ship's papers, and thence proceeds to the custom-house.

1232. That only strengthens the point. Then it is only in the United States, as you are aware, that the ship's papers must first be submitted to the consul; must they not be declared at the custom-house immediately afterwards?—Of course. I have understood that in some other ports local regulations exist whereby the masters of vessels are required to deposit the ship's papers with the consul in the first instance. A Bill, which I believe has lately passed both Houses of Parliament, the Merchant Seamens' Registration Bill, contains a clause to oblige the master of a British vessel to deposit with the consul the ship's articles or agreement with the crew, on his first arrival in port.

1233. In point of fact, is any advantage to be derived by the consul from having the manifest of a ship's cargo submitted to him, under the necessity of its being immediately afterwards submitted to the custom-house, a matter of no kind of importance?—I think it would give the merchant-consul some advantage.

1234. How would that advantage arise?—From a priority of knowledge as to the nature of the cargo.

1235. But how would that benefit him?—It is possible to benefit him in his commercial speculations.

1236. Have the goodness to explain how?—In the supposition that the merchant-consul had a quantity of merchandize of the same description with which the vessel was laden, it might influence him either in buying or selling the article.

1237. Only in that way?—It does not at this moment occur to me in any other.

1238. In a port where there is much to do, the duties of a consul must naturally occupy the greater portion of his time, I apprehend?—Certainly.

1239. So that the individual who acts as consul would not have much time to devote to commercial pursuits?—Not where there is much consular business.

1240. In such ports, therefore, the consular business would form the bulk of his occupation, and his commercial pursuits must be relatively small?—Yes.

1241. In a port where there is not much to do, a merchant who has a certain quantity of business, might, either by himself or by one of his partners, adequately perform the consular duties?—Yes, certainly.

1242. Do not you apprehend that in either of those cases the public service may be performed by a merchant at a less expense to the public in salary than would be requisite to remunerate a person who was solely sent out as a consul?—Certainly at a less expense.

1243. Therefore, in an economical point of view, there may be cases in which it may be advantageous to the public to entrust the consular duties to some respectable merchant?—Yes.

1244. The rule would appear to be, then, that in places where there is a great deal to do it would be less expedient to have a merchant, and in places where the consular duties fluctuate, or are occasional, it might be more expedient to have a merchant?—Yes, certainly.

1245. Supposing the duties to be properly performed by a merchant-consul,

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and supposing that a merchant-consul can be obtained in a given port at a lower salary than would be necessary for a consul prohibited from trading, do you conceive it is disadvantageous in any way to the public that merchant-consuls should occasionally be employed?—No, not occasionally. I think, however, that a consul who is not a merchant would have more weight with the authorities in obtaining redress for any case of grievance of which a British subject might have to complain, than a consul who is a merchant; the more especially in countries where the government is arbitrary or unsettled.

1246. In proportion as the consul has political duties to perform, in that proportion do you conceive it inexpedient that he should partake of the character of a merchant?—Yes, certainly.

1247. In such cases a merchant may either be swayed in his political acts by private interest, or at all events may be supposed to be so swayed, and may therefore either be led to act imprudently, or may have his representations meet with less attention on the part of the government?—Certainly.

1248. The question, then, as to the expediency of allowing consuls to trade, or of prohibiting them from trading, is in truth chiefly a financial consideration; it is a question, I mean, as to the amount of salary for which you can get your business done, is it not?—Yes, in an economical point of view it is.

1249. That is to say, supposing the public were prepared to find an adequate amount for duly paying consuls, it would be better they should be prohibited from trading?—Yes.

1250. But by allowing them in certain cases to trade, it is possible that the public service may be equally well performed at a less charge to the revenue?—In some cases.

1251. Do you happen to recollect any instance in which inconvenience to the public service has arisen from the circumstance of consuls being allowed to trade?—I do not at this moment recollect a case.

1252. Let me see one of the annual returns which the consul sends?—Here is one. [*Vide* Return.]

1253. In fact, do you think there is so much difference in different countries and in stations where consuls are appointed to, that it is impossible to lay down any fixed plan; and therefore is it not better to leave the appointment, as it now is, open to the choice of the Foreign Secretary?—Yes, certainly.

1254. The consuls are forbidden to trade, are they not, Mr. Bidwell?—No, not as a general rule.

1255. I think it is the general rule, with few exceptions?—No; previous to 1832 the general rule was that the consuls were not to trade. In the year 1832 the contrary rule was adopted, permitting them to trade, making the restriction to trade the exception and not the rule.

1256. Do you consider yourself that all these objections are forcible objections to a consul being allowed to trade. I will enumerate them: that consignments would be made to consuls in preference to other merchants in the same line of business?—In some cases, certainly.

1257. That from the necessary payment of fees connected with the business of a merchant in some countries, that the necessary business of a consul as a merchant would interfere with the respect that ought to be felt for him as consul, from the circumstance of his having to pay fees in order to procure his business to be done?—Probably.

1258. Thirdly, as a merchant has occasionally to ask favours for himself, whether it would not be a bar to his being so ready to ask it for another merchant as consul, inasmuch as it might interfere with his being able to obtain it afterwards for himself?—It might be so; but a consul by his instructions is forbidden to ask favours for himself.

1259. Or for other merchants?—No, favours for himself.

1260. May not a consul, by being a merchant, become amenable to the laws of the country, to bankruptcy?—Yes.

1261. And other things of that sort, whereby his papers may be open to inspection by the government of the country?—Yes.

1262. Would all his papers be open to inspection?—I cannot say. In Hamburgh no British subject can carry on the business of a merchant, unless he becomes a citizen of Hamburgh.

1263. Therefore that case which applies to a consul if he is a merchant, applies in Hamburgh whether he is a merchant or not?—No person, being a citizen

citizen of Hamburgh, and holding a foreign consulship, is exempt from the laws of Hamburgh.

1264. Is he subject to the bankrupt laws?—Yes, a merchant-consul is.

1265. If a consul is engaged in trade, he is subject to the bankrupt laws of the country, and consequently his papers are liable to be inspected: if he is a consul, and not engaged in trade, he is not subject to the bankrupt laws, and consequently his papers are not liable to be inspected?—That depends on the laws of the country in which the consul is resident.

1266. I am speaking of certain countries?—In some countries consuls have greater privileges and immunities than in others.

1267. As a fifth reason, is there not a natural jealousy in other merchants to showing their papers to one engaged in business?—I should conceive so.

1268. I would ask you one or two questions relative to vice-consuls, persons employed in smaller places, whether you think a good class of persons could not be obtained without a salary?—In small places I think they might; there are about 250 vice-consuls who receive no pay.

1269. You think that rule might be extended?—I do not think the extension would benefit the service.

1270. Do you think it would injure the service? Some of these salaries are very small, some 50 *l.*, some 100 *l.*, some 150 *l.*; do you not think you would be more likely to have an efficient native receiving nothing, a person of respectability, than you would by employing a person with that salary, an Englishman, who very frequently is sent out from this country; do you think that class of persons is likely to be so efficient in procuring such good information or so useful in those places where political interests do not interfere, as a respectable native would, he receiving no pay, with only the advantage of the situation?—In cases where a small salary is assigned to a vice-consul, it has been given to an individual residing on the spot, not to an individual sent out from this country.

1271. There are some with 200 *l.* a year, I think?—Yes, some of them have that amount of salary.

1272. He is placed under the superintendence, I presume, of a consul?—Yes.

1273. The consul having the choice among the natives, as to whom he will select; in that case would not the advantage to be derived from the appointment operate as a sufficient inducement to him to fulfil it properly?—In most cases it might.

1274. I do not know whether you are aware of the number of French vice-consuls in this country; and the places where they are stationed?—There are a great many; I believe there is a French vice-consul in almost every port of England. In France the government will not permit a Frenchman to act as British vice-consul, if he holds any situation under the French government.

1275. They make it a profession, therefore, altogether?—Yes; a few years ago the commissions granted to certain French subjects to act as British vice-consuls in France, were withdrawn in consequence of their holding office under their own government.

1276. You think the system could be rendered more effective by diminishing the number of persons who receive those small salaries, supposing we have only the same capital to deal with, by giving a larger sum to persons who are really placed in more important stations?—It might be so; but I think that in most cases it might be prejudicial to the service to diminish the number of consuls.

1277. You think they are only at those places which really do require the presence of a consul?—I think so.

1278. Do not you think you might in many cases adopt the suggestion which I made, of not paying the persons, and employing agents there?—It would be more economical.

1279. This is what I want to know: from your practical experience of the question, whether you do not think, having only this sum to deal with, by diminishing the pay, by employing persons in many of those inferior offices without a salary, and giving that pay to others who fill more important situations, you might not get a more efficient class of persons in central stations, where they have a control to exercise as well as duties to fulfil; by

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that means do you not think you could get the service more efficiently performed?—If you have only a certain limited sum for the service, it might be so. Some of the principal consuls are not sufficiently paid, and the plan might be beneficial; that is, supposing you are restricted within a certain fixed sum.

1280. For the benefit of the service, do you consider it desirable first of all to judge where consuls should be placed, with what salaries, and then the grant which should be made to make them efficient?—Certainly, that is what is now done by the Secretary of State.

1281. In the consular department, do you ever look to the trade of the place for a year, see what is going on. consider the appointment, or recommend alterations?—Yes. There have been instances where the trade of the place has fallen off, and where it has appeared to the Secretary of State that the consulship might be reduced.

1282. So that you make vice-consuls, consuls, and so on, and remove them?—It has been done in some cases.

1283. In the ports of the Mediterranean; are you aware of the officer we have at Trieste, for instance?—There is a vice-consul at Trieste.

1284. Is not that a much more important place, in point of commerce and so on, than Milan?—Yes.

1285. You have a consul at Milan, I think?—Yes: he is consul-general for the Austrian states in Italy; he superintends the whole of the Austrian ports on the Adriatic.

1286. Trieste among the others?—Yes, he occasionally goes to Trieste.

1287. You have a vice-consul at Leghorn, I think?—There is a consul at Leghorn.

1288. Do you not think, that in order to come to any resolution respecting whether the payments to the consuls are sufficient, whether any of the places now having paid consuls might not have had unpaid agents; whether in other places which are rising into importance, which have heretofore had unpaid consuls, it might not be desirable to appoint paid agents; that the only mode satisfactorily to come at that resolution would be, to divide the consular appointments into districts, such as northern, southern, eastern and western Europe, and various other departments, and then to take each of them and classify them according to the trade and business there is to do? Do you think that a proper distribution at present exists? If it is right we do not want it; if it is wrong, is that the mode you would suggest to be adopted?—I think the present distribution is proper; there is no consul stationed at any port where he has not duties to perform, and where his presence is not required.

1289. You were saying that you do not send out vice-consuls; are you at all aware of a vice-consul being sent lately to one of the Greek Islands?—A consul was sent to Syra.

1290. Lately sent out?—In the year 1833, with a salary of 300 *l.* a year.

1291. Had you no offers with respect to that place from persons to fill the situation for nothing?—Not that I am aware of. Memorials were addressed to the Secretary of State, signed by the principal merchants engaged in the Levant trade, requesting that a British consul might be appointed for the Greek Islands, to reside at Syra, and strongly recommending the individual who was appointed.

1292. A consul with a salary?—Yes.

1293. Have you any other papers, Mr. Bidwell, to put in?—Yes; papers which will show the Committee that consuls are very frequently called upon to make representations to the local authorities upon the construction of our treaties with foreign countries. These papers, from the consul in the Canary Islands, have reference to the case of a vessel which had arrived at one of those Islands, and having landed a part of her cargo, proceeded to the principal Island, Teneriffe, with a Spanish custom-house officer on board. One day, when the master and crew were below at dinner, the custom-house officer remained on deck, and when the master and crew came up from below, he had disappeared. On the arrival of the vessel in port the master and crew were arrested, and put into confinement, to account for the disappearance of the custom-house officer. The question turned upon the right of the British consul under treaty to be present at the examination and trial. The right was at first admitted by the Spanish authorities, but afterwards was withdrawn, on the ground

ground that the treaty gave that right to the consul in commercial cases only, and not in criminal cases. A long correspondence ensued, which terminated by the consul being instructed to insist upon being present in such cases. Here are other papers which have been printed by order of The House: one set contains the correspondence with His Majesty's consul-general at Hamburgh, on the subject of the alleged complaints of British subjects; the other, the correspondence on the subject of the arrest and execution of Mr Boyd at Malaga, in 1831.

1294. You merely state that to show that a consul's duties are partly political?—Yes. Here are several other cases of similar import.

1295. Do you know what was the result of the inquiry?—The master and crew were kept in prison some time, and afterwards they were discharged. The man was never heard of.

1296. What was he?—A Spanish custom-house officer.

1297. I think you have no consuls-general now, where you have ministers, have you?—No, only at Constantinople.

1298. Do you think it possible, with a view to the efficiency of the service, to make a more general fusion between the two departments of the consular and diplomatic service; and you would thereby add a greater respectability to the consular department, and a greater practical efficiency in commercial affairs to the diplomatic department?—Yes, in some cases. Since the abolition of the consulship-general at Paris, the duties of consul-general have been confided to the secretary of embassy, under the direction of the ambassador.

1299. For instance, now you think it might be possible to extend, in the first place perhaps, that practice in other missions which exist at present, of having one person belonging to the embassy more expressly understanding the commercial affairs?—It is also done at Madrid.

1300. Then in order that this person who arrives at a high grade in his profession, as the secretaryship of embassy, in order to enable him to fill that situation with the duties which you are now speaking of, with efficiency, would it not be of advantage that he should have passed some short period of his time in the consular department?—It might be.

1301. I do not know whether you may have heard in the Foreign-office of what is very frequently considered a hardship by gentlemen entering the diplomatic profession, that they remain a long time without receiving any salary; do you know of any instance of how long they have remained?—I do not recollect the exact time.

1302. You know the fact?—Yes.

1303. You have also perhaps heard complaints in the consular department of their having nothing to look forward to beyond the consular salary at which they enter; they have no higher hopes of preferment?—Such may have been the case. The individual who now holds the situation of agent and consul-general in Egypt, was formerly secretary of legation and chargé d'affaires in Columbia.

1304. When you have sent out consuls to the east, you think the consuls in the east the most important consuls; in Egypt perhaps?—Yes; the consuls in the Levant have special duties to perform.

1305. I want to know how many consuls did you send the 39 queries to?—I cannot say at this moment; the order was to send them to the consuls at the principal ports of Europe.

1306. And you received answers from most; not all?—Yes, not from all.

1307. Do you know many instances of consuls being called on to act in a political as well as commercial point of view?—Yes, many instances.

1308. Will you name some?—Warsaw is one, and Bucharest.

1309–10. Milan?—Yes, Milan and Hamburgh.

1311. But Warsaw and Bucharest are principally diplomatic?—Yes; and also Milan and Hamburgh. The consul-general at Hamburgh is accredited to the German princes and states within the circle of Lower Saxony.

1312. That is in addition to his consular duties?—Yes.

1313. I believe some of them have remonstrated as to the inadequacy of their salaries?—Yes.

1314. It is in the power of the Secretary of State to increase them if he sees fit?—Yes.

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1315. Mr. Bidwell, you have mentioned chiefly as a diplomatic station Warsaw; is there any other place in that part of the world where you think it might be advantageous to have a consul for political purposes, for observation; Cracow, for instance?—It might be of advantage, but that depends on the Secretary of State; I do not feel competent to give an opinion upon that.

In addition to the papers delivered in at my former examination relating to the consular jurisdiction in the Levant, I now present to the Committee two reports from His Majesty's consul at Smyrna, and from His Majesty's agent and consul-general in Egypt, on the practice observed in judicial proceedings in the consular courts at Smyrna and in Egypt, showing the defects in the system, and proposing remedies for its improvement.

Lunæ, 10° *die Augusti*, 1835.

P. H. FLEETWOOD, ESQUIRE, IN THE CHAIR.

Robert W. Hay, Esq. called in; and Examined.

Robert W. Hay, Esq.

10 August 1835.

1316. IT is proposed, connected with the Consular Department, that the consuls for the Barbary States should be placed under the control of His Majesty's Secretary of State for Foreign Affairs; the Committee wish to know whether you consider such a course desirable?—The question of transferring to the Foreign Office the control of the consuls on the Barbary coast has been, within the last few years, more than once brought under the consideration of the Colonial Secretary. It does not appear that any substantial reasons were ever brought against the measure; but as the constant supply of fresh meat to Gibraltar, and (it might happen) the occasional provisioning of Malta, and of our fleets in the Mediterranean, must depend upon the skill and activity of the Barbary consuls, and especially of the consul at Morocco, it may have been considered desirable that the department which had the superintendence of any war in which the country was engaged, as well as of its colonies, should have the Barbary consuls immediately under its order. However this consideration may have operated originally in deciding on this point, I believe that one of the chief reasons for the present distribution of the consular appointments, was the comparative lightness of the duty of the Colonial, as compared with the Foreign Department; and as the business of the former office has considerably increased of late years, there can be no just ground for its retaining any portion of business which does not properly belong to it.

1317. You do not see any practical reason why they should not?—I do not; I have stated the only considerations which are to be taken into account in deciding this question; they can scarcely be brought forward as objections to what is proposed.

1318. How long have the Barbary consuls been attached to the Colonial Office?—Ever since the first establishment of the Colonial Office.

1319. Are there any commercial returns to the Board of Trade?—Periodical returns are made by the consuls, which are transmitted to the Board of Trade.

1320. What are the duties which those consuls have to perform, connected with Malta and Gibraltar?—Connected with Malta they have rarely any duties to perform of a permanent kind; but Gibraltar is supplied with fresh meat from Morocco, and the consul's duty is to see that the engagements entered into by the Emperor on this subject are punctually fulfilled.

1321. There is sometimes irregularity in the supplies sent to Gibraltar?—Such irregularity may occasionally for a time prevail; but it is the consul's business to take care that the contractor has no cause to complain of the conduct of the Moorish government towards him.

1322. Where does the supply come from chiefly?—That for Gibraltar altogether from Morocco.

1323. Does the British consul for Morocco live at the Emperor's court?—Altogether at Tangiers, since the Emperor's residence is too far from the coast.

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APPENDIX.

— Appendix, No. 1. —

GENERAL INSTRUCTIONS FOR HIS MAJESTY'S CONSULS.

Exequatur.

§ I. Upon the arrival of the Consul at his post, he will announce himself to the principal public authorities, and will show them His Majesty's Commission, or a copy thereof; and he may, if required, give them a copy stamped with the consular seal.

The original Commission should be forwarded to His Majesty's Ambassador or Minister at the court of the country in which the Consul has to reside, with a request that the said Ambassador or Minister will apply to the proper authorities for the usual Exequatur to enable him to enter officially upon his consular duties.

Privileges.

§ II. His Majesty's Commission and the Exequatur will secure to the Consul the enjoyment of such privileges, immunities and exemptions as have been enjoyed generally by his predecessors, and as are usually granted to Consuls in the country in which he resides; and he will be cautious not to aim at more.

Consular Act and Consular Fees.

§ III. In order to render more uniform the system under which the British consular service had heretofore been conducted, an Act was passed by the Legislature for the better regulation of the consular service, and for other public purposes connected therewith.

No. 1.

A copy of the Act of Parliament above mentioned is annexed, and the Consul will pay strict attention to all the clauses of this Act; and he will not levy, or permit to be levied, in the British consular offices under his jurisdiction, any other fees than such as are in strict conformity with the Tables (A.) and (B.) annexed to the Act.

No. 2.

At the expiration of each year the Consul will transmit to His Majesty's Principal Secretary of State for Foreign Affairs a certified statement (according to the inclosed form) of the gross amount of all fees collected at his consulate within the year, under the Tables before mentioned; stating the amount in dollars of 4*s*. 6*d*. (according to the Act of Parliament), together with the equivalent in local currency, as well as in pounds sterling, calculated at the average rate of exchange for the year, which exchange must also be stated.

Consular correspondence.

§ IV. To ensure due execution of the details of the consular system established under the before-mentioned Act of Parliament, it has been judged expedient that the correspondence of His Majesty's Consuls should be separated from the diplomatic correspondence of this Office, and placed under the superintendence of one individual on the establishment, designated "The Superintendent of the Consular Service." The Consul will address himself to the Secretary of State in his despatches, but he will transmit these under cover to the Superintendent, carefully observing the form of address in the margin; and he will obey such instructions as shall be conveyed to him by the Superintendent, by direction of the Secretary of State.

Form of Address of Letters to the Superintendent.

On His Majesty's Service.
John Bidwell, Esq. Superintendent of the Consular Service.
Consulate of } Foreign Office, LONDON.

Accounts current.

§ V. Some of the clauses of the before-mentioned Act of Parliament authorize His Majesty's Consuls to receive and disburse money for various purposes therein described; and as it is desirable that their accounts should be kept and rendered according to one uniform system, the Consul is herewith furnished, for his guidance, with a printed memorandum, (drawn up by the Commissioners for Auditing the Public Accounts, and approved by the Lords Commissioners of His Majesty's Treasury), together with a supplementary circular, dated the 2d of August 1831, containing full directions upon this subject.

No. 3.

[*This No. is printed in p.* 106.]

No. 4.

The Consul will pay strict attention to the forms therein prescribed; and, as soon as possible after the termination of each year, he will transmit to this department an account (in duplicate) made up in the prescribed form, with one set of vouchers, to the end that one copy of such account, together with the vouchers, may be forwarded by the Secretary of State to the Lords Commissioners of His Majesty's Treasury, to be examined by the Commissioners of Audit, and that the other copy may remain in the correspondence of this department. In the despatch transmitting the account, the Consul will insert any explanatory remarks which the nature of the charges therein contained may appear to require.

Commercial instructions.

§ VI. It will be the particular study of the Consul to become conversant with the laws and general principles which relate to the trade of Great Britain with foreign parts; to make himself acquainted with the language and with the municipal laws of the country wherein he resides, and especially with such laws as have any connexion with the trade between the two countries.

No. 5. The Consul is herewith furnished, for his information and for purposes of reference, with "a collection of treaties and conventions at present subsisting between Great Britain and foreign powers, so far as they relate to commerce and navigation, to the repression and abolition of the slave trade, and to the privileges and interests of the subjects of the high contracting parties," consisting of three volumes octavo, which are to be carefully preserved with the official archives of the consulate.

No 6. Various Acts of Parliament relating to trade and navigation are also annexed; and such further Acts relating to these subjects as may hereafter be passed will be forwarded to the Consul.

He will bear in mind that it is his principal duty to protect and promote the lawful trade and trading interests of Great Britain by every fair and proper means, taking care to conform to the laws and regulations in question; and whilst he is supporting the lawful trade of Great Britain, he will take special notice of all prohibitions with respect to the export or import of specified articles, as well on the part of the State in which he resides, as of the Government of Great Britain, so that he may caution all British subjects against carrying on an illicit commerce, to the detriment of the revenue, and in violation of the laws and regulations of either country; and he will not fail to give to this department immediate notice of any attempt to contravene those laws and regulations.

Advice and assistance to be given to British subjects.

§ VII. The Consul will give his best advice and assistance, when called upon, to His Majesty's trading subjects, quieting their differences, promoting peace, harmony and good-will amongst them, and conciliating, as much as possible, the subjects of the two countries upon all points of difference which may fall under his cognizance. In the event of any attempts being made to injure British subjects, either in their persons or property, he will uphold their rightful interests, and the privileges secured to them by treaty, by due representation in the proper official quarter. He will at the same time be careful to conduct himself with mildness and moderation in all his transactions with the public authorities; and he will not upon any account urge claims, on behalf of His Majesty's subjects, to which they are not justly and fairly entitled. If redress cannot be obtained from the local administration, or if the matter of complaint be not within their jurisdiction, the Consul will apply to His Majesty's Consul-General, or to His Majesty's Minister if there be no Consul-General in the country wherein he resides, in order that he may make a representation to the higher authorities, or take such other steps in the case as he may think proper; and the Consul will pay strict attention to the instructions which he may receive from the Minister or Consul-General.

Public and private correspondence.

§ VIII. The Consul will keep His Majesty's Minister regularly and fully informed of all occurrences of national interest within his consulate, respecting either the trade of His Majesty's subjects, or that of other nations at peace or at war with Great Britain. He will likewise not fail to transmit to him such correct intelligence as he can procure respecting the arming, the equipment, or the sailing of any public or private armed vessels belonging to the enemies of His Majesty; and whenever it may appear to him essential that His Majesty's Government should be directly informed of the subject of his communications to His Majesty's Minister, he will transmit copies of them to this department.

The Consul will not, however, upon any account correspond with private persons on public affairs; neither will he recommend his private friends, abroad or at home, for employments of trust or profit under the government of the country in which he resides; and he will not ask or accept favours of that government for himself.

Lloyd's agency.

§ IX. Such of His Majesty's Consuls as are agents to Lloyd's are especially directed not to correspond with Lloyd's on the subject of political occurrences. The Consul will not hold any correspondence on such subjects, excepting that which it is his duty to hold with the Secretary and Under Secretary of State, and the Superintendent of the Consular Service, or with His Majesty's Minister and Consul-General in the country where he resides, or with Consuls and naval or military officers in His Majesty's service, who may be employed in his neighbourhood, and to whom it may be necessary to communicate immediately any event of public interest. If the rule which is here prescribed should be inconsistent with what is expected from an agent to Lloyd's, the Consul must understand that he cannot be permitted to undertake any agency which interferes with the due discharge of his Consular duties.

Protection on board of British ships.

§ X. Misconception having arisen with respect to the degree of protection which commanders of British ships may afford to any individuals seeking refuge on board of those ships, the Consul is informed that the commanders of British ships lying in the ports of a foreign country are not authorized to harbour any persons (even if British subjects) who may seek refuge on board of their vessels, in order to evade or resist the due execution of the laws to which, by reason of their residence in the country, they have rendered themselves amenable; and the Consul will bear in mind, in all applications which may be made to him on behalf of individuals so circumstanced, that such persons are liable to be taken by due process of the laws of the country.

Official seal and signature.

§ XI. The Consul will take an early opportunity of furnishing His Majesty's Secretary of State for Foreign Affairs with impressions, in duplicate, of his seal of office, with his official signature annexed, in order that the same may be deposited at the proper department of His Majesty's Customs, to prevent frauds upon the revenue.

§ XII. The

§ XII. The Consul will forward to the Secretary of State, in duplicate, so soon as the information he can collect will enable him so to do, but at any rate within a period of six months from the date of his arrival at his residence, a general report on the trade of the place and district, specifying the commodities, as well of the export as import trade, and the countries which supply the latter, together with the increase or decline in late years, and the probable increase or decline to be expected, and the causes in both cases. He will state the general regulations with respect to trade at the place where he is resident, and their effects. He will give the average market prices within the year of the several articles of export and import. He will particularize what articles, if any, are absolutely prohibited to be imported into the country wherein he resides; what articles are prohibited to be imported from any other places than from the place of their growth or production; whether there be any privileges of importation, and what those privileges are, in favour of ships that are of the build of, or belonging to, the country wherein he resides; whether there be any difference in the duty on goods when imported into that country in a foreign ship, and if so, whether it be general, or applicable only to particular articles; what are the rates of duty payable on goods imported into the said country; whether there be any tonnage duty or other port dues, and what, payable on shipping entering at, or clearing from, the ports of that country; whether there be any (and if so, what,) ports in that country wherein goods may be warehoused on importation, and afterwards exported with or without payment of any duties, and under what regulations.

Commercial report.

§ XIII. The Consul will transmit to His Majesty's Secretary of State for Foreign Affairs, at the expiration of each year, a return of the trade with the principal ports of his consulate, according to the form inclosed in the circular dated the 15th March 1833, of which copies are herewith annexed.

Annual returns of trade.
No. 7.
No. 8.

§ XIV. The Consul will send to this department, at the expiration of every quarter, an account of the prices in his district of the several articles of agricultural produce, in each week of the preceding three months, made up according to the form herewith inclosed.

He will also, when practicable, transmit with the returns a memorandum, in duplicate, in which he will state any further information which he may have to communicate respecting the prices free on board of the several sorts of corn and grain; the amount of the charge for freight to England at the period at which the returns are made up; the extent of the stock in granary; every peculiarity respecting the course of exchange; whether any restraint is imposed by law, either upon the exportation or importation of corn and grain, and, if so, the nature and extent of such restraint. The Consul will endeavour to render these reports as accurate as possible, and he will add to them any general remarks upon the subject which may suggest themselves to him as of sufficient importance to be conveyed to His Majesty's Government.

Quarterly returns of corn and grain.
No. 9.

§ XV. The Consul is herewith furnished, for his information, with the copy of an Act of Parliament (6 Geo. 4, c. 78), intituled, "An Act to repeal the several Laws relating to the performance of Quarantine, and to make other Provisions in lieu thereof;" and also with copies of Orders in Council which His Majesty was pleased to issue in furtherance of this Act of Parliament. The Consul will take measures for making as public as possible this Act of Parliament and the Orders in Council; and he will not neglect to report to this department any appearance of yellow fever, plague, or other contagious or infectious disease, or the establishment of any unusual quarantine at the place of his residence.

Quarantine.
No. 10.

§ XVI. The Consul will be careful not to grant a certificate of any fact of which he has not accurately ascertained the truth; and whenever he is required to attest or certify a document consisting of more than one sheet, he will unite the sheets by a tape or ribbon to the end of the document by means of wax or wafer, on which he will place his official seal.

Certificates.

§ XVII. The Consul will take notice that no vessel is to be considered as a British vessel, and allowed to make entry as such in British ports, unless she be furnished with a British register, according to the provisions of the Register Acts, and be owned, manned and navigated as required by law.

Definition of a British vessel.

§ XVIII. The Consul will also bear in mind that no vessels are entitled to have British Mediterranean passes, excepting such vessels as are described in the preceding clause, or vessels belonging to Malta, Gibraltar, or the Ionian Islands. He will also bear in mind that British Consuls have not authority to grant protection to foreign vessels purchased by His Majesty's subjects in foreign ports, for the purpose of enabling them to proceed from thence to other ports to obtain Mediterranean passes. All the old Mediterranean passes having been called in, and new ones issued, the Consul is herewith furnished with two Orders in Council on this subject, dated the 20th of November 1819, and the 30th September 1825; and he will, in all cases, strictly conform to the regulations therein contained, so far as the same have reference to consular duties.

Mediterranean passes.
No. 11.
No. 12.

§ XIX. The Order in Council, dated the 28th May 1819, sanctioning certain modifications of the laws which regulate colonial trade, so far as they affect the Island of Mauritius, having been annulled by the general effect of the Order in Council of the 16th July 1827, (herewith enclosed), and the trade having been placed on a different footing, the Consul will act in strict conformity with the regulations of the Order in Council before mentioned of the 16th July 1827, and he will take all proper steps to make these regulations known to the local authorities within the district of his consulate.

Trade with the Mauritius.
No. 13.

Pilot flag.

§ XX. The Admiralty having judged it proper that the flag henceforth to be used by all British ships throughout the world, as a signal for a pilot, shall be a British jack with a border of white of one-fifth of the breadth of the jack, the Consul will make this known in the most public manner throughout the district of his consulate; and he is herewith furnished, for his more particular information, with a copy of the flag now adopted.

No. 14.

Merchant flag.

§ XXI. The Admiralty having received information that certain merchant ships or vessels are in the practice of wearing other colours than those authorized by the proclamation of his late Majesty King George the Third, dated the 1st January 1801, the Lords Commissioners issued a notice (a copy of which is annexed) stating the regulations on this point. The Consul's attention is particularly directed to this notice, and he will cause it to be affixed in some conspicuous part of his office. And whenever information shall be given to the Consul that the masters of British vessels hoist other colours than those described in the notice, the Consul will transmit to this department an affidavit (according to the inclosed form) stating the fact of any such breach of the Act 6 Geo. 4, c. 168, s. 15, together with a statement of any other material circumstance attending it, in order that the Admiralty may, on a consideration of the particulars of the case, give such directions thereon as they may think fit.

No. 15.

No. 16.

Distressed British subjects.

§ XXII. The Consul will afford to distressed British seamen and others of His Majesty's subjects thrown upon the coast, or reaching by chance any place within his district, such aid and assistance as their necessities and the exigency of the case may appear to require. He will be guided more particularly in regard to seamen by the extract from the Act 11 Geo. 4, c. 20, hereto annexed, and by the inclosed instructions from the Admiralty.

No. 17.

No. 18.

No. 19.

No. 20.

With respect to the reimbursement of advances on account of distressed British seamen, the Consul will follow the directions therein contained, but he will not pay the allotted sums to seamen who may be fit for His Majesty's naval service, when there are opportunities of putting them on board of any of His Majesty's ships, which he will take every opportunity of doing. And in reimbursement of advances on account of distressed British subjects, not seamen, whom he will relieve, as nearly as may be, at the same rate as the seamen, and endeavour to procure for them a passage home on similar terms, he will draw bills upon the Lords Commissioners of His Majesty's Treasury, according to the mode pointed out in the 11th, 12th and 13th paragraphs of the printed Memorandum annexed to the 5th article of these Instructions; but he will be careful to use a proper caution in administering the relief authorized by these Instructions, so that it may not tend to encourage idleness or mendicity; and he will not incur any unnecessary expense on account of British subjects who have voluntarily entered into the service of foreign countries.

British navy.

§ XXIII. The Consul will furnish intelligence to the commanders of His Majesty's ships touching upon the coast, and obtain for them, when required, supplies of water and provisions. In this latter instance, the before-mentioned Instructions from the Admiralty will furnish the Consul with the means of regulating his accounts, and also instruct him with respect to pilotage, and to the apprehension of deserters. He will, on any such occasions, do his utmost, with prudence, to promote the interests of His Majesty's service. He will also exert himself to recover all wrecks, cables, anchors, &c. belonging to the King's ships, when found at sea by fishermen or other persons, and brought into the port where he resides. He will pay to such persons the customary salvage, and will acquaint the Admiralty with his proceedings thereon.

Precedence between Consuls and naval officers.

§ XXIV. In order to avoid the inconvenience which has arisen to His Majesty's service from a difference of opinion on a point of etiquette between His Majesty's Consuls and the Commanders of His Majesty's ships of war arriving at foreign ports, with respect to the payment of the first visit, it has been decided that whenever the Captain of one of His Majesty's ships of war, being a Post Captain or a Commodore wearing a blue pendant, shall signify to the Consul, in writing, his arrival at the port at which the Consul resides, the Consul (or Vice-Consul in ports where there is a Consul-General) will take the earliest opportunity of waiting in person on the Commander of the ship, and of affording him such assistance as he may require. Commanders of His Majesty's navy will, on their arrival at any such ports, wait upon His Majesty's Consuls, but they will be waited upon by Vice-Consuls. Consuls-General and Consuls will, in all cases, wait upon Flag Officers and Commanders wearing a red or white pendant, without waiting for any previous communication. The officers commanding His Majesty's ships of war have orders to furnish a boat to convey the Consul on board, and to reland him, on the Consul notifying his wish to have a boat so sent for him. The Consul will strictly attend to the foregoing Instructions. The copy of a Memorandum upon this subject, issued by the Admiralty to His Majesty's naval officers, is herewith enclosed.

No. 21.

Ionian States.

§ XXV. The treaty of peace, signed at Paris on the 5th of November 1815, having placed the Ionian States under the protection of Great Britain, the Consul will afford the same protection to the subjects, vessels and merchandize of the Ionian States as to the trade and persons of His Majesty's subjects. But in extending this protection to them, he will not make any pecuniary advances to Ionian subjects, unless he shall be furnished with specific instructions to that effect by the proper authorities of those States, as it is to them alone that the Consul must look for reimbursement of such advances.

§ XXVI. The

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Slave trade.
No. 22.

§ XXVI. The copy of an Act of Parliament amending and consolidating the laws relating to the abolition of the slave trade is annexed. The Consul will keep a watchful eye upon all undertakings for trading in slaves within the district of his consulate; and whenever he has reason to suspect that British subjects or British capital are engaged or concerned in the carrying on of this traffic, he will forthwith report the same to the Secretary of State, in order that steps may be taken for putting a stop to such criminal acts, and for bringing to punishment the offenders against the laws of their country. In consequence of the extent of the correspondence upon slave trade, and the difficulty of preparing it for Parliament, it has been found necessary that all despatches treating upon this subject should form a separate series of despatches distinct by themselves. The Consul will therefore distinguish all despatches upon this subject, by heading them with the words "Slave Trade," and he will number them from first to last successively throughout each year, apart from the general series of his despatches.

Vice-Consuls.

§ XXVII. In case it shall appear to the Consul necessary that a Vice-Consul should be stationed at any port within his district, where no British Vice-Consulate has heretofore existed, or whenever a vacancy shall occur, he will report the fact to the Secretary of State, showing at the same time how far British interests require such an appointment; and if suggested as expedient, he will submit the name of some English merchant of respectability for the appointment, with the grounds of his recommendation; but he will in no case give him any commission, or sanction to act in that capacity, until the approval of the Secretary of State shall have been given. Upon the receipt of such approval, the Consul will acquaint the individual with his appointment as Vice-Consul, and will furnish him with the necessary authority to act in that capacity, together with instructions for the guidance of his conduct conformable to those under which he himself is acting.

The Consul will not dismiss any Vice-Consul acting within his district without the sanction of the Secretary of State; but if he should be of opinion that good and sufficient grounds exist for the dismissal of a Vice-Consul, he will give information thereof to His Majesty's Secretary of State, suspending provisionally the Vice-Consul, only when the extraordinary nature of the case may appear to require so prompt a proceeding; and awaiting, in all cases, the decision of the Secretary of State previously to taking ulterior proceedings upon the subject.

No. 23.

At the close of every year the Consul will transmit to the Secretary of State a list, (according to the form hereto annexed) of all persons who may be acting within his consular district, and under his jurisdiction, either as British Vice-Consuls, Deputy Consuls, Provisional Consular Agents, or in any other similar capacity; stating in such return, the station, the name of the individual, his consular rank, the date of his provisional nomination, and the date of the approval thereof by the Secretary of State.

Salary and emoluments.

§ XXVIII. The Consul will bear in mind that his salary, and the fees allowed to him by Act of Parliament, are to cover all his expenses, whether personal or official, (excepting such as he may, at any time, be specially authorized to incur, and charge to the public); and that no Vice-Consul or Clerk appointed by him at the place of his residence, is to consider himself entitled to any remuneration from His Majesty's Government.

Passports.

§ XXIX. The Consul will not take upon himself, as a matter of course, to grant passports. If, however, the regulations of the country wherein he resides require that his visa should be affixed to the passport of British subjects, or that a certificate should be furnished by him to enable them to obtain passports from the proper authorities, he will, when called upon, affix such visa, or give such certificates.

Absence from his post.
No. 24.

§ XXX. The Consul will not consider himself at liberty to leave his post without permission from this Office, or from His Majesty's Representative in the country wherein he resides. The annexed copy of a circular, dated the 5th July 1833, specifies the conditions on which a Consul can obtain leave of absence.

Forms to be observed in official correspondence.
No. 25.

§ XXXI. The Consul is herewith furnished with a memorandum relative to the forms to be observed in his official correspondence with this Department; and he will strictly comply with the instructions therein contained.

Additional instructions.
Illegal importation of tobacco.
No. 26.
Mutinous merchant seamen.
No. 27.

§ XXXII. Copies of circular despatches and other documents which have been more recently forwarded from this Department to His Majesty's Consuls abroad, are annexed; and the Consul will carefully attend to the instructions therein contained. Further instructions will be given to the Consul from time to time, as circumstances may require.

MEMORANDUM—referred to in p. 101.

INSTRUCTIONS to be observed by His Majesty's Consuls Abroad, in regard to the Accounts which they are required to render, under the Provisions of the Act of the 6th Geo. 4, c. 87.

I. You will continue to draw your bills and forward your accounts to the Navy Board in the same manner and form as you did previously to the passing of the Act of the 6th Geo. 4, c. 87, in all cases relating to the relief of British Seamen, supplies furnished to His Majesty's ships, pilotage paid for them, and to any other head of naval service, as more particularly described in the form of account which you have already received from the Navy Board (a copy of which is annexed), and you will in no case include any expenditure of the above description in the accounts to be forwarded by you to the Foreign Office.

II. You are to make up annually an account current to the 31st December in every year, in duplicate, of your receipts and disbursements of every other description, with the exception of your own salary, including in such account the salaries and disbursements, if any, of your Vice-Consuls, as well as the expenditure for the purposes specified in the Act of the 6th Geo. 4, c. 87; and you are to transmit such accounts, together with one complete set of vouchers, to His Majesty's Principal Secretary of State for the Foreign Department, as soon as possible after the termination of each year, taking care, whenever you may be prevented from forwarding the same, immediately to explain the causes of the delay.

III. You will take vouchers for your disbursements in duplicate, in order that you may retain the duplicate vouchers in your own possession. And when it shall happen that you are not able to obtain more than one original of any voucher, you will make out a copy for your own use, as well to enable you to answer any questions respecting the same, as to provide against the possible loss of the original forwarded to England; but you will take care that the originals of such vouchers accompany the annual accounts to be transmitted to the Secretary of State: and in cases in which it may not be possible to procure any vouchers at all, you will accompany the accounts with a full explanation of the circumstances which prevent you from complying with your instructions in this respect.

IV. Your account is to be made up and verified according to the annexed form, No. 1. It is to be kept in the currency of the country in which you reside, and the several receipts and disbursements are to be classed under distinct heads of service. Should you receive or pay money relating to any service for which a separate head is not provided in the annexed form, you will of course supply the omission.

V. The charge, or debit side of your account, is to be supported by particulars of the bills drawn by you on the Lords of His Majesty's Treasury, and by detailed explanatory statements of all monies received by you from any other sources; excepting those for which you are accountable to the Commissioners of the Navy.

The particulars of the bills must specify the rate of exchange at which the bills were negociated, certified by two respectable merchants; the names of the parties in whose favour they are drawn; and the net proceeds in the currency of the country.

VI. In support of the discharge or credit side of your account, you will transmit abstracts of each head of disbursements; together with the bills of particulars, the receipts of the parties, and such other documents as the circumstances of each case may require, for the purpose of showing the regularity of each transaction; and, where disbursements have been made by your Vice-Consuls, or other persons on your behalf, you are to require and produce accounts of particulars, supported by proper vouchers,—namely, receipts, or other documents referred to in any voucher, in all cases where it may be practicable; and you are to include in your accounts the whole of the salaries and expenditure, if any, of your Vice-Consuls, which you may have received special authority from the Foreign Department to reimburse to such Vice-Consuls.

VII. You will distinguish the documents delivered in support of the charge part of your account by the letters of the alphabet, commencing each year with the letter A, and you will number the vouchers in the discharge consecutively, commencing each year with No. 1.

VIII. You will transmit, together with your accounts, copies or extracts (certified by yourself to have been compared with the originals, and found correct,) of all instructions, letters, orders of the Secretary of State, or approvals of the Lords of the Treasury, which may be connected with any expenditure made by you, or with any special allowances granted or paid by you or by your Vice-Consuls; but in cases where such authorities apply to a description of expenditure occurring more than once in your accounts, it will be sufficient, after having in the first instance forwarded certified copies as above directed, to refer in every subsequent similar payment to the original authority in question.

IX. Whenever you may be called upon to exercise your discretion in making any special payments for which it may not be possible for you to obtain the previous sanction of the Secretary of State, you are strictly enjoined to lose no time in submitting the circumstances for his approval; and you are to transmit a certified copy of such approval with your annual account.

X. When your accounts are transmitted to the Treasury by the Secretary of State, in conformity to the provisions of the Consular Act, they will be forwarded to the Commissioners for Auditing the Public Accounts, by whom they will be examined; and you are desired to bear in mind, that no item of expenditure will be passed by that Board, unless the payment

ment shall have been previously authorized, or subsequently sanctioned, by the Lords Commissioners of His Majesty's Treasury, or by the Secretary of State for Foreign Affairs. You will therefore be attentive in forwarding regularly the necessary authorities with your accounts.

XI. The abstract of disbursements for the relief of distressed British subjects, which is to accompany your accounts, is to be made out according to the annexed Form, No. 2.

XII. You are desired, in granting such relief, to confine yourself as much as possible to the expenses attending the forwarding to their own country, by the first convenient opportunity, of such British subjects who may be destitute, and who may apply to you for that purpose, or who may be delivered over to you by the local authorities;—and to such further expenses for their subsistence as may be absolutely necessary, until such opportunity of forwarding them home may occur.

In case of the refusal of the party applying to you, to avail himself of such opportunity, you will (excepting in cases of absolute necessity,) refuse all further assistance from that time;—and, in sending the parties home, you will endeavour, in every instance, to make a final arrangement and payment of the whole of the expenditure to be incurred up to the time of the arrival of the individual in this country, so as to avoid the necessity of bills being drawn for passage money, or subsistence, by the captain of the vessel, or by a merchant at the out-port in England, on the arrival of the vessel, it being desirable that the whole of the expenditure incurred in these respects should, if possible, be included in your account.

XIII. You are not, excepting under the most urgent circumstances, to grant casual or occasional relief to British subjects employed as artificers and servants, or otherwise domiciled abroad, and not intending to return to their own country. In granting relief to persons of this description, you will be held responsible for confining yourself to cases where the parties would be otherwise left absolutely destitute of support, and for limiting the relief to a bare provision for their immediate subsistence. You will also make it a condition of granting such relief, that the party is not to apply to you a second time, and you will make the best arrangements in your power to prevent the possibility of a repetition of such relief becoming necessary. In every instance, also, in which you may have considered yourself justified in granting any pecuniary assistance to British subjects, otherwise than for the purpose of their immediate return to their own country, you will report the circumstances of the case to the Secretary of State in the explanatory letter which will accompany your annual account.

XIV. In support of the advances which you may make under the provisions of the 10th, 11th, 12th and 13th sections of the Act, the production of the order of the Secretary of State for the payment of the money will be indispensable, together with the receipt of the treasurer, trustees, or other persons duly authorized to receive the same; and you will also transmit, together with your annual account, an account (also in duplicate) for a corresponding period, of all sums contributed or raised for the purposes specified in the above clauses of the Act, signed by such trustees, or other competent persons, and approved by yourself. With respect to the application of the monies raised under the above Act, it is presumed that the disbursements will not in general be made by yourself, but by the trustees, &c. of the subscription fund; and as the propriety of the charges under this head will be best ascertained by yourself on the spot, which you are required carefully to do, you will not be expected to annex to your accounts the receipts and under-vouchers relative to this head of expenditure. It will be sufficient for you to enclose a detailed statement of the particulars of the same, with a certificate from yourself annexed thereto, to the effect that you have examined the whole, with the vouchers in the hands of the trustees, and that you believe the account to be correct.

XV. You will be allowed to charge the expense of such postage only as may arise from your communications with the Audit Office, on the subject of your accounts; and you are required to certify, at the foot of the abstract in which any charge of this description is contained, that the amount has been actually paid by you, and that the letters or packets in respect of which the charge has arisen, were all on the public service, and arising out of such communications as are above-mentioned.

XVI. Consuls will be allowed to charge a commission of 2 ½ per cent. on their expenditure, provided they do not receive any salary or allowances in respect of their appointment, other than the fees which they are authorized to take pursuant to the fourth section of the Act; but no commission will be allowed to those Consuls who receive a salary, excepting such commission as they are allowed to charge in their accounts with the Navy Board.

XVII. As it is intended that the Consuls shall be the sole accountants to Government, and that the whole of the expenditure within their jurisdiction shall pass through their hands, you will instruct your Vice-Consuls not to draw bills upon the Treasury (by which they become separate accountants). At the same time, you must endeavour to avoid introducing in your account for any year, payments made by your Vice-Consuls in any former year, making such arrangements with them as to their drawing upon you for their salaries, or otherwise, and also as to their sending in their accounts to you, as will enable you to include the whole of their expenditure for each year in your own account for that year.

Foreign Office, 18 May 1829.

— (Form No. 1.) —

Dr. His Majesty's {Consul-General / Consul} at in Account Current with the Lords Commissioners of His Majesty's Treasury. *Cr.*

From 1st January 182 , to 31st December following.

183		£. s. d.	(Currency.)	183		(Currency.)
	To proceeds of my Bills on their Lordships, 30 days sight - - - - - - - - - -				By disbursements towards the succour and relief of distressed British Subjects not Seamen as per List and Vouchers, No. 1 to - - - - - -	
	as per Abstract annexed - - - - - - - -				By amount paid under the provisions of the Act of the 6th Geo. 4, c. 87, in aid of the funds raised or contributed by His Majesty's subjects, towards defraying the expenses incident upon the due celebration of Divine Service at this Station, and for the other purposes mentioned in the 10th and 11th Sections of the Act; as per Abstract of particulars and Voucher, No. to - -	
					By payments of Salaries of Vice-Consuls and other Officers and Persons attached to the Consulate; as per Abstract and Vouchers, No. to to - - -	
					By payments for Consular contingencies; as per Abstract and Vouchers, No. to - - -	
	We, being two of the principal Merchants residing at , do hereby certify that the Current Exchange for Bills on the British Government at 30 days sight, between this place and London, on the days when the above were drawn, was as follows: -				I hereby declare the above Account to be just and true, according to the best of my knowledge and belief.	
	(Signed)				(Signed) (Date of Account.) Consul.	

— (Form No. 2.) —

RETURN of Distressed Subjects of *Great Britain* (not Seamen) relieved by *A. B.*, His Majesty's Consul at from to

Number.	NAMES.	Between what time subsisted when necessary.		Number of Days.	To enable him to proceed to his own Country.	DESCRIPTION OF THE PERSONS.	IN WHAT MANNER DISPOSED OF.	CURRENCY.
		From	To					

(Circular.)

Sir, Foreign Office, 22 August 1832.

I AM directed by Viscount Palmerston to send to you the copy of a letter from the Board of Trade, stating that the Lords of the Committee of Privy Council are desirous to obtain information of the most accurate description on the several matters pointed out in the annexed printed set of queries and instructions; and I am to signify to you Lord Palmerston's desire that you will supply the information required in the best manner in your power. It is possible that upon some of the questions specific information cannot be afforded, in which case you will state the reasons why answers cannot be given.

I am, Sir, your obedient humble servant,
(signed) *John Bidwell.*

To His Majesty's Consul at ———.

(Copy.)

Office of Committee of Privy Council for Trade,
Sir, Whitehall, 18 August 1832.

I AM commanded by the Lords of the Committee of Privy Council for Trade to request that Lord Palmerston will be pleased to direct, that the questions herewith enclosed be transmitted to His Majesty's Consuls at the principal ports of Europe and America; and that his Lordship will also give them instructions to supply the information required, in the best manner in their power. The object of the Lords of this Committee, in transmitting these questions, is to obtain information of the most accurate description on the several matters pointed out, and they have therefore made the questions as definite as possible. At the same time their Lordships are aware that upon some of them specific information cannot, in many places, be afforded; they wish, however, that Lord Palmerston will be pleased to direct the Consuls, in every case, to return answers to each of the questions, to the best of their power, or to state the reasons why answers cannot be given.

I am, Sir, your obedient servant,

John Backhouse, Esq. *Thomas Lack.*
&c. &c. &c.

QUERIES and INSTRUCTIONS addressed to the British Consul at ———.

1. What are the principal articles, specifying the quantity and value of each, that have been imported into during each of the three years ending with 1831?

2. What are the principal articles, specifying the quantity and value of each, that have been exported from during each of the three years ending with 1831?

3. What are the countries from which the articles imported into are principally brought, specifying the quantity and value of the different articles furnished by each of those countries during each of the three years ending with 1831?

4. What are the countries to which the principal articles exported from are chiefly sent, specifying the quantity and value of each article sent to each of those countries during each of the three years ending with 1831?

N.B.—Should the means either not exist, or not be at your disposal, for making out correct answers to the above queries, or to those that follow, you are requested to answer them approximatively, stating the grounds on which you proceed. You will please, also, particularly to observe, that whenever in your answers, either to the above or to any of the subsequent queries, foreign weights, measures or moneys are referred to, you are requested to state them, and then to give their equivalents in Imperial weights and measures, and in sterling money.

5. What is the tariff as to the principal articles of export and import now in force in ?

N. B. In answering this query you will specify, 1. What articles may be imported, and what may be exported, duty free. 2. What articles are prohibited being imported, and what are prohibited being exported. 3. What articles of import, and what articles of export, are charged with duties, specifying the amount of such duties, and whether and to what extent they vary, according as the goods are imported or exported in ships belonging to or to a foreign country.

6. Is smuggling either outwards or inwards, carried on to any considerable extent at ? If it be carried on, what are the articles principally smuggled, and to what extent are they supposed to be smuggled? Who are the principal smugglers? What is the nature of the laws and penalties against smuggling?

7. What was the actual amount, or, (if you cannot learn this exactly,) what is believed to have been the amount of the customs revenue collected at in 1831?

8. What are the principal custom-house regulations as to the entry, reporting, clearing, &c. of ships at ?

9. Is the warehousing and bonding system introduced at ? If it be introduced, how long may goods lie in the warehouses without paying duties? Is any allowance made in charging the duties for waste or damage in the warehouses? What is the warehouse rent, per month, of a quarter of wheat, and of a ton of sugar?

10. What number of ships, specifying their tonnage, and the countries to which they belonged, entered the port of during each of the three years ending with 1831?

11. What number of ships, specifying their tonnage, and the countries for which they cleared out, sailed from the port of during each of the three years ending with 1831?

12. What is the number of vessels (not steam vessels), specifying their tonnage and the number of their crews, belonging to the port of ? What are the numbers of such vessels, specifying their tonnage, employed in the foreign, the coasting, and the fishing trades? Is the tonnage belonging to increasing or diminishing? And if so, what has been its increase or diminution during the five years ending with 1831? And to what circumstances is this increase or diminution ascribed?

13. Do any steam boats belong to ? And if so, what is their number and tonnage, and the lines in which they are mostly employed?

14. What is the depth of water, both at low and at high water, in the port of ? Is there any bar or shallows that must be passed in coming to the port or to the anchoring ground; and if there be any such, what is the depth of water upon them both at low and high water?

15. What is the mode in which ships usually moor in ? Do they lie in docks or alongside quays, or in a harbour or road, at a distance (stating the distance and bearings) from shore? Are ships exposed to any danger from winds, currents or such like casualties, when at anchor in ? And if so, how may such danger be best obviated? What is the latest and best chart of the port of ? If there be docks or quays at , what is their extent, and how are they constructed?

16. What is the proper course, specifying the bearings, for a ship to steer in entering ? Is she under any obligation to take on board a pilot? And if so, where must she heave-to to take him on board?

17. What are the various charges of a public nature, specifying each separate item and its amount, that would be paid respectively by a native ship and a foreign ship (each of 300 tons burden, having mixed cargoes on board of the same descriptions of goods), entering the port of , unloading there, taking on board mixed cargoes, and clearing out from the same?

18. Are quarantine regulations enforced at , and if so, state their nature? Where is quarantine performed? Are there any peculiar establishments, or lazarettos, for facilitating its performance? If there be any such, what are they? What are the fees, if any, charged on native and on foreign ships performing quarantine?

19. Is a favourable place for ships careening and repairing?

20. Is a favourable place for ships obtaining supplies of water, beef, bread, butter, cheese, fuel, and other sea stores? What have been the prices of the principal articles of provision during 1831?

21. What have been the *average* prices per imperial quarter of wheat and other sorts of grain at during each of the ten years ending with 1831?

22. What are the denominations of the coins most commonly in use in ; specifying their weight, the degree of their purity, and their value in English sterling money?

23. Are there any banking establishments in ? If there be any such what is the principle on which they are founded? Are they private or public establishments; and if the latter, are they under any obligations as to the extent of their capital, the publicity of their affairs, &c.? Do they issue notes; and if so, for what sums do they issue them? Are the notes payable in specie on demand; and if not, are they equivalent to specie, or at a discount; and if the latter, what is the amount of such discount? Do banks discount bills; and if so, at what rate of interest, and at what dates do they discount them? Do they give any, and if any, what interest on deposits? Are the parties in banking companies liable to the whole extent of their fortunes for the debts of the firm, or only to the amount of their shares? Are they understood to be properous concerns, or the reverse? What rate of dividend do they commonly make?

24. When goods are imported into are they commonly sold for ready money, or upon credit? If the latter, what is the usual term of credit upon different sorts of goods, and the discount allowed for ready money?

25. May any one who pleases undertake the functions of a broker, commission-merchant or factor at ? If there be any public regulations that must be complied with by individuals commencing these businesses, what are they?

26. What are the rates of commission or factorage (specifying them) usually charged and allowed at , on transacting different sorts of business?

27. Are there any, and, if any, what obstacles in the way of foreigners establishing themselves as merchants or manufacturers in ?

28. Are there any, and, if any, what regulations as to the influx of labourers from foreign countries into ? What is the common and average rate of wages of the principal classes of artisans, specifying each, employed in , and of the labourers employed in the contiguous country?

29. What

29. What number of emigrants from foreign countries, specifying the numbers from each, arrived at during each of the five years ending with 1831? What is the usual price of a cabin and of a steerage passage from England?

30. What are the tares usually allowed by the custom-house at ? And what are the tares usually allowed by merchants dealing with each other?

31. Is the insurance of ships, houses, lives, &c., carried on at ? If it be carried on, in what mode is it effected, whether by individuals or companies? And if by the latter, how are they formed?

32. Is bankruptcy of frequent or rare occurrence at ? How many bankruptcies have taken place during each of the three years ending with 1831? What is supposed to be the most prevalent source of bankruptcy? What are the conditions under which honest bankrupts obtain a discharge? How is fraudulent bankruptcy dealt with?

33. What is supposed to be the average amount of the fortunes of the higher class of merchants at ?

34. What was the population of in 1810, 1820 and 1830? If there has been an increase or a diminution, to what is it to be ascribed?

35. What is the nature and state of the communications, whether by land or water, between and the contiguous country? Whence (specifying the distance and the mode of conveyance) are the principal commodities exported from mostly brought? How much is the original cost of each supposed to be increased by the cost of its conveyance from the place of its production to ? And what are the charges on its shipment there?

36. What is the rate of freight per ton on the principal commodities exported from to London?

37. What are the denominations of the principal weights and measures used at ? And what are their equivalents in imperial weights and measures?

38. On the whole, is the commerce of in a stationary, a thriving or a declining state? What are supposed by intelligent individuals on the spot to be the principal causes that promote or retard its increase?

39. What, in your opinion, are the measures, the adoption of which by the Government of , or by the Government of England, would be most likely to promote and extend the commerce now carried on between Great Britain and ?

N. B.—Besides answering the above queries with as much care and accuracy as possible, you are requested to state every circumstance that may appear to you of importance to enable an accurate estimate to be formed in England of the trade and navigation of , the mode in which they are conducted, and their susceptibilities of increase.

Sent in Circular to His Majesty's Consuls in the United States, 19 September 1832.

QUERIES.

1. WHAT is the plan, system and actual practice of the police, both in towns and in the country; and is it effective for ensuring security of person and property, and for the prevention and detection of crime?

2. What are the precise provisions of the Criminal Code of the State of , the crimes which still remain punishable with death, and the penalties to which crimes not capital are subjected?

3. In cases which are still punished capitally, is the law executed with certainty; or else to what extent, by what authority, and under what conditions are capital sentences remitted?

4. What degree of discretion is vested in the judges in the application of secondary punishments, such as fine, imprisonment, &c., and in what manner is that discretion actually exercised? Are the sentences for the most part carried into effect? In what cases, how frequently, and upon what principles, are they remitted?

5. Is corporal punishment inflicted by the laws of the State of , and in what cases; and is it inflicted generally or otherwise?

6. What appeals lie from the judges in criminal cases, and to whom; and in what manner, and upon what principles, are such appeals decided?

7. As an improved system of managing prisons is said to have been introduced in the United States, an accurate account of the government and regulations of the prisons of the State of is required to be furnished, with any observations which may appear material.

8. In apportioning punishment, are the same circumstances considered just grounds of mitigation which are held to be such in England, viz. youth, the not having been detected in any previous offence, former good character, &c.; or is it the policy to punish young offenders severely, in order to deter them from a repetition of offence?

9. Is there a continually growing increase of the numbers of the criminal population; and if so, does it arise from the circumstance that the penalty of death is rarely inflicted, and that transportation is unknown to the law, and that consequently those criminals whose sentences of imprisonment have expired, are constantly returned into the general mass of the community; or from what other causes does it arise?

10. Any other information should be added which may appear to be connected with the above subjects; or which may relate to points which, though material, have been omitted in the foregoing enumeration.

Sir, Foreign Office, November 1833.

I AM directed by Viscount Palmerston to transmit to you the enclosed set of questions in duplicate, which have been drawn up by the Poor Law Commissioners relative to the condition of the poor, and to the legal or charitable provisions for their support, within the district of your consulate, to which I am to desire you to obtain the most accurate and comprehensive answers in your power, to be transmitted to this office as early as possible.

Of the two sets of questions herewith enclosed, you will transmit one copy, together with its answers, to this department, and will retain the other, with its answers, in the archives of your consulate.

I also transmit to you herewith the volume published by the Poor Law Commissioners, which is referred to in the enclosed questions, and a knowledge of the contents of which, it is considered, would be of use to you, with a view to the answers to be returned to those questions.

I am, Sir, your most obedient humble servant,

To His Majesty's Consul. (signed) *John Bidwell.*

THE following Questions apply to Customs and Institutions, whether general throughout the State, or peculiar to certain Districts, and to Relief given:—

1st. By the Voluntary Payment of Individuals or Corporate Bodies.
2d. By Institutions specially endowed for that purpose.
3d. By the Government, either general or local.
4th. By any one or more of these means combined.

And you are requested to state particularly the cases (if any) in which the person relieved has a legal claim.

QUESTIONS.

VAGRANTS.

1. To what extent and under what form does mendicity prevail in the several districts of the country?
2. Is there any relief to persons passing through the country, seeking work, returning to their native places, or living by begging; and by whom afforded, and under what regulations?

DESTITUTE ABLE-BODIED.

1. To what extent and under what regulations are they, or any part of their families, billeted or quartered on householders?
2. To what extent and under what regulations are they boarded with individuals?
3. To what extent and under what regulations are there district houses of industry for receiving the destitute able-bodied, or any part of their families, and supplying them with food, clothes, &c., and in which they are set to work?
4. To what extent and under what regulations do any religious institutions give assistance to the destitute, by receiving them as inmates, or by giving them alms?
5. To what extent and under what regulations is work provided at their own dwellings for those who have trades, but do not procure work for themselves?
6. To what extent and under what regulations is work provided for such persons in agriculture or on public works?
7. To what extent and under what regulations are fuel, clothing or money distributed to such persons or their families; at all times of the year, or during any particular seasons?
8. To what extent and under what regulations are they relieved by their children being taken into schools, and fed, clothed and educated, or apprenticed?
9. To what extent and under what regulations, and to what degree of relationship, are the relatives of the destitute compelled to assist them with money, food or clothing, or by taking charge of part of their families?
10. To what extent and under what regulations are they assisted by loans?

IMPOTENT THROUGH AGE.

1. To what extent and under what regulations are there almshouses or other institutions for the reception of those who, through age, are incapable of earning their subsistence?
2. To what extent and under what regulations is relief in food, fuel, clothing or money afforded them at their homes?
3. To what extent and under what regulations are they boarded with individuals?
4. To what extent and under what regulations are they quartered or billeted on householders.
5. To what extent and under what regulations, and to what degree of relationship, are their relatives compelled to assist them with money, food or clothing, or by taking part of their families?

Sick.

1. To what extent and under what regulations are there district institutions for the reception of the sick?
2. To what extent and under what regulations are surgical and medical relief afforded to the poor at their own homes?
3. To what extent and under what regulations are there institutions for affording food, fuel, clothing or money to the sick?
4. To what extent and under what regulations is assistance given to lying-in women at their homes, or in public establishments?
5. To what extent and under what regulations are there any other modes of affording public assistance to the sick?

Children:

Illegitimate.

1. Upon whom does the support of illegitimate children fall; wholly upon the mothers, or wholly upon the fathers; or is the expense distributed between them, and in what proportion, and under what regulations?
2. To what extent and under what regulations are the relatives of the mothers or fathers ever compelled to assist in the maintenance of bastards?
3. To what extent and under what regulations are illegitimate children supported at the public expense?

Orphans, Foundlings or Deserted Children.

4. To what extent and under what regulations are they taken into establishments for their reception?
5. To what extent and under what regulations are they billeted or quartered on householders?
6. To what extent and under what regulations are they boarded with individuals?
7. To what extent and under what regulations, and to what degree of relationship, are their relatives compelled to support them?

Cripples, Deaf and Dumb, and Blind.

1. To what extent and under what regulations are there establishments for their reception?
2. To what extent and under what regulations are they billeted or quartered on householders?
3. To what extent and under what regulations are they boarded with individuals?
4. To what extent and under what regulations, and to what degree of relationship, are their relatives compelled to support them?

Idiots and Lunatics.

1. To what extent and under what regulations are there establishments for their reception?
2. To what extent and under what regulations are they billeted or quartered on householders?
3. To what extent and under what regulations are they boarded with individuals?
4. To what extent and under what regulations, and to what degree of relationship, are their relatives compelled to support them?

Effects of the foregoing Institutions.

You are requested to state whether the receipt, or the expectation of relief, appears to produce any and what effect,

1st. On the industry of the labourers?
2d. On their frugality?
3d, On the age at which they marry?
4th. On the mutual dependence and affection of parents, children and other relatives?
5th. What, on the whole, is the condition of the able-bodied and self-supporting labourer of the lowest class, as compared with the condition of the person subsisting on alms or public charity. Is the condition of the latter, as to food and freedom from labour, more or less eligible? *See* p. 261 and 335 of the Poor Law Extracts.

You are also requested to read the accompanying volume, published by the English Poor Law Commissioners, and to state the existence of any similar mal-administration of the charitable funds of the country in which you reside, and what are its effects?

You are also requested to forward all the dietaries which you can procure of prisons, workhouses, almshouses and other institutions, with translations expressing the amounts and quantities in English money, weights and measures, and to state what changes (if any) are proposed in the laws or institutions respecting relief in the country in which you reside, and on what grounds?

In replying to the following Questions respecting Labourers, you are requested to distinguish Agriculturists from Artisans, and the Skilled from the Unskilled.

1. What is the general amount of the wages of an able-bodied male labourer, by the day, the week, the month or the year, with and without provisions, in summer and in winter?

2. Is piece-work general?

3. What, in the whole, might an average labourer, obtaining an average amount of employment, both in day-work and in piece-work, expect to earn in a year, including harvest-work, and the value of all his advantages and means of living?

4. State, as nearly as you can, the average annual expenditure of labourers of different descriptions, specifying schooling for children, religious teachers, &c.

5. Is there any, and what employment for women and children?

6. What can women, and children under 16, earn per week, in summer, in winter and harvest, and how employed?

7. What, in the whole, might a labourer's wife and four children, aged 14, 11, 8 and 5 years respectively (the eldest a boy), expect to earn in a year, obtaining, as in the former case, an average amount of employment?

8. Could such a family subsist on the aggregate earnings of the father, mother and children, and if so, on what food?

9. Could it lay by anything, and how much?

10. The average quantity of land annexed to a labourer's habitation?

11. What class of persons are the usual owners of labourers' habitations?

12. The rent of labourers' habitations, and price on sale?

13. Whether any lands let to labourers; if so, the quantity to each, and at what rent?

14. The proportion of annual deaths to the whole population?

15. The proportion of annual births to the whole population?

16. The proportion of annual marriages to the whole population?

17. The average number of children to a marriage?

18. Proportion of legitimate to illegitimate births?

19. The proportion of children that die before the end of their first year?

20. Proportion of children that die before the end of their 10th year?

21. Proportion of children that die before the end of their 18th year?

22. Average age of marriage, distinguishing males from females?

23. Causes by which marriages are delayed?

24. Extent to which, 1st, the unmarried; 2d, the married, save?

25. Mode in which they invest their savings?

(Circular.)

Sir, Foreign Office, 12 Aug 1833.

The Lords of the Committee of Privy Council for Trade having caused a volume of Tables to be compiled from official Returns, containing abstracts of the Revenue, Population, Commerce, &c. of the United Kingdom and its dependencies, during 12 years, from 1820 to 1831, inclusive; and intending to cause the series to be continued by the compilation of an annual volume, which shall mark the condition and progress of the country in all its various interests, both internal and external, so far as the same can be capable of illustration by such compilation;—I am directed by Viscount Palmerston to transmit to you a printed copy of these Tables, as well for your official information, as to show you the great desire of His Majesty's Government to be informed upon all points of a Statistical nature; and I am to desire that you will use your best endeavours to co-operate in a work of so much importance, by collecting and transmitting promptly and regularly to this Department, all information upon subjects of this description which may fall within your reach.

You will consider the volume now sent, as a part of the Consular archives.

I am, Sir,

Your most obedient humble Servant.

His Majesty's Consul. (signed) *John Bidwell.*

(Circular.)

Sir, Foreign Office, 26 November 1833.

I am directed by Viscount Palmerston to transmit to you the enclosed queries, relating to the state of agriculture, and the condition of the population within the district of your consulate; to which I am to desire you to return the most accurate and comprehensive answers

answers which it may be in your power to furnish, accompanied by any further statistical information which you may be able to collect, and which may appear to you likely to be interesting to His Majesty's Government.

I am, Sir, your most obedient humble servant,
(signed) *John Bidwell.*

P. S.—You will of course affix to your answers the proper numbers of the queries to which they respectively refer.

QUERIES relating to the State of AGRICULTURE, &c.

1. State the names of the parishes or districts within your consulate, respecting which you are able to supply any information as to the state of agriculture, and the condition of the population.

2. What is the number of inhabitants in such parishes or districts; distinguishing the rural population from that of the towns?

3. What is the quantity of land in each; distinguishing waste land, wood land, and land in cultivation?

4. Is there any, and what, portion of the uncultivated land which might be rendered productive?

5. What proportion of the cultivated land is arable, and what pasture?

6. What are the general qualities of the soil, and if various, what is the extent of each variety?

7. What proportion is cultivated by the proprietors, and what in general is the extent of such properties?

8. What is the general size of the larger farms which are rented, and under what conditions is the land usually let?

9. What is the average rate of rent of each of the several qualities of land?

10. What are the description of stock fed on the pastures, and in what proportions?

11. In what proportions are the different kinds of grain cultivated?

12. What is the average quantity of wheat and of other grain produced on a given extent of each quality of land?

13. In what rotation are the different kinds of seed usually sown?

14. In what value is the rent paid? What proportion of it is usually paid in labour, or in kind?

15. To what tax is the proprietor of the soil subject, and how is it levied?

16. To what taxes or rates is the farmer subject?

17. What proportion of the taxes levied on the proprietor or the occupier is for the relief of the poor, and what for religious purposes?

18. To what tolls are articles of consumption subjected on entering towns?

19. What is the average price of butcher's meat and of other principal articles of food?

20. In what proportion to the extent of the land are servants and labourers employed on each farm?

21. What wages do they receive, and in what value are they paid?

22. Do they receive higher wages in time of harvest?

23. Are they usually boarded and lodged by the farmers?

24. What is their usual food, and in what proportion does it consist of butcher's meat?

25. Do the women work on the land, or have they other and what profitable employment, independently of the care of their families?

26. What proportion of the men are annually called upon for military service?

27. What is the price of a substitute for the army?

28. What fuel is principally used; whence is it derived, and at what cost?

29. What is the price of articles of clothing, such as are usually worn by the labouring population? Do you consider them to be in general dearer or cheaper than in England?

30. Are there any, and what, manufactories in each parish or district?

31. Are paupers numerous, and what provisions exist for their support?

32. Is the general condition of the occupiers of farms prosperous or otherwise?

N. B.—Amounts to be given in the currency and measures of the country, and reduced to British equivalents.

— Appendix, No. 2. —

STATEMENT showing the TOTAL EXPENDITURE for the CONSULAR SERVICE, in each Year, from 1826 to 1834, inclusive.

	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
	£.	£.	£.	£.	£.	£.	£.	£.	£.
Salaries to Consuls-General, Consuls and Vice-Consuls, as per Statement marked (A.)	95,791	97,021	93,102	90,863	91,350	84,148	71,416	63,807	61,072
Contingent Expenses: — Chaplains' Salaries, moiety of Annual Church Expenses, Building, Repair and Maintenance of Churches, Chapels, Hospitals and Burial Grounds, Conservatorial Courts, Special Services, &c., and Relief to Distressed British Subjects, &c. &c., as per Statement marked (B.); and Abstract of ditto, marked (C.)	13,040	17,709	11,589	11,119	9,962	8,692	11,051	10,221	10,000
TOTAL CONSULAR EXPENDITURE, £.	108,831	114,730	104,691	101,982	101,312	92,840	82,467	74,028	71,072

The Returns from Abroad for 1834 being incomplete, an estimate is all that can be given.

Foreign Office, June 1835.

(A.)—STATEMENT in detail of the SALARIES paid to HIS MAJESTY'S CONSULS-GENERAL, CONSULS and VICE-CONSULS, in each Year, from 1826 to 1834, both inclusive.

COUNTRY.	RESIDENCE.	AMOUNT OF SALARIES IN THE YEARS 1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
		£.	£.	£.	£.	£.	£.	£.	£.	£.
Russia	St. Petersburgh	1,000	1,000	1,000	1,000	975	900	538	500	500
	Archangel	600	600	600	600	600	575	275	275	300
	Riga	800	800	800	800	800	741	264	300	300
	Liebau	200	200	200	200	200	200	175	150	150
	Warsaw	-	-	-	-	-	-	600	600	600
	Odessa	800	800	800	800	800	800	700	600	600
	Taganrog	200	200	200	200	200	200	200	200	200
Sweden	Stockholm	600	600	600	600	600	600	300	200	200
	Gottenburgh	250	500	500	500	500	500	500	375	500
Norway	Christiania	600	600	600	600	600	600	262	150	150
	Bergen	-	-	-	-	-	-	200	200	200
Denmark	Elsinore	600	600	600	600	600	600	675	700	700
	Copenhagen	-	-	-	-	150	150	112	100	100
Prussia	Dantzic	500	500	500	500	500	500	500	500	500
	Memel	500	500	500	500	437	388	100	60	60
	Pillau	50	50	50	50	50	50	87	100	62
	Stetten	-	-	-	-	-	-	-	-	37
	Konigsberg	700	700	700	700	612	350	175	60	60
Germany	Hamburgh	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
	Ditto	150	300	300	300	300	300	300	300	300
	Bremen	200	200	200	200	200	200	162	150	150
	Lubeck	150	150	150	150	150	150	150	150	150
	Cuxhaven	100	100	100	100	100	100	100	100	100
Holland	Amsterdam	600	600	600	600	600	600	375	300	256
	Rotterdam	600	600	600	600	600	600	487	450	450
Belgium	Antwerp	800	800	800	800	800	800	575	500	500
	Ostend	400	400	400	325	400	400	325	300	272
France	Paris	1,600	1,600	1,600	1,600	1,600	1,600	500	100	100
	Calais	500	500	500	500	500	500	425	400	400
	Boulogne	300	300	300	300	300	300	300	300	300
	Havre	500	500	500	500	500	500	425	400	400
	Brest	300	300	300	300	300	300	300	300	300

COUNTRY.	RESIDENCE.	AMOUNT OF SALARIES IN THE YEARS								
		1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
		£.	£.	£.	£.	£.	£.	£.	£.	£.
France (*continued*)	Nantes	400	400	326	400	400	400	375	300	300
	Charente	400	400	400	400	400	400	325	300	300
	Bordeaux	800	800	800	800	800	707	500	384	400
	Bayonne	300	300	300	300	300	300	300	300	300
	Marseilles	800	800	800	800	800	688	650	600	562
	Toulon	-	-	19	50	48	47	46	47	47
	Corsica	200	200	200	200	200	200	200	200	200
	Caen	400	400	400	400	400	400	161	—	—
Spain	Madrid	1,600	1,600	1,600	1,600	1,600	1,600	400	150	150
	Bilboa	400	400	400	400	400	400	375	306	350
	Corunna	500	500	500	500	375	500	394	400	400
	Cadiz	800	800	800	800	800	800	650	500	375
	San Lucar	200	200	200	200	200	200	200	200	200
	Malaga	400	400	400	400	400	400	350	300	300
	Carthagena	400	400	400	400	400	400	400	400	278
	Alicante	400	400	400	400	400	400	350	300	285
	Barcelona	600	600	600	600	600	600	500	400	305
	Mahon	400	400	400	400	400	400	400	400	200
	Teneriffe	600	600	600	600	750	800	700	500	500
	Havana	-	-	-	-	-	-	-	75	300
	St. Jago de Cuba	-	-	-	-	-	-	187	300	233
	Oratava	100	100	—	—	—	—	—	—	—
Portugal	Lisbon	1,200	1,200	1,200	1,200	725	600	525	451	348
	Ditto	300	300	300	300	300	300	300	300	300
	Oporto	700	700	700	700	700	700	733	600	800
	Madeira	800	800	800	¼ yr 200	vacant	-	300	300	300
	Vice-Consul	300	300	300	300	300	300	150	—	—
	St. Michael's	600	600	600	600	600	600	500	400	400
	Ditto	100	100	100	100	100	100	100	100	41
	Fayal	150	150	150	150	150	150	125	100	100
	Terceira	100	100	100	100	100	100	100	100	100
	Cape Verdes	400	400	400	400	375	300	50	100	—
Italy	Genoa	800	800	800	800	800	800	600	400	400
	Nice	300	300	300	300	300	300	250	200	200
	Cagliari	300	300	300	300	300	300	275	250	250
	Leghorn	800	800	800	800	800	800	600	400	400
	Ancona	600	600	600	600	600	600	375	100	100
	Naples	1,200	1,200	1,200	1,200	1,200	1,200	525	300	300
	Vice-Consul	300	300	300	300	300	300	152	—	—
	Gallipoli	50	50	46	107	100	100	100	100	100
	Otranto	25	25	25	25	25	25	25	25	25
	Palermo	800	800	800	800	283	—	—	—	—
	Ditto	250	250	250	250	250	250	250	243	262
	Messina	400	400	400	400	400	400	350	300	225
Austria	Austrian States:									
	Milan	1,050	1,000	1,000	1,000	1,000	1,000	1,000	1,000	859
	Venice	-	-	-	-	-	-	75	98	100
	Trieste	500	500	500	500	500	500	375	98	100
	Fiume	400	400	400	400	400	145	50	49	50
	Ragusa	200	200	200	200	200	200	200	200	200
Greece	Patras	-	-	-	350	700	700	700	700	700
	Pyrgos	-	-	-	200	200	200	200	200	200
	Napoli	-	-	85	250	250	250	250	250	250
	Syra	-	-	-	-	-	-	-	225	300
Turkey	Constantinople:									
	Consul-Gen[l]	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600
	Vice-Consul	-	-	-	-	150	300	300	300	300
	Cancelliere	500	500	500	500	500	500	500	500	500
	Chaplain	-	-	-	-	62	250	250	250	250
	Physician	100	100	100	300	300	300	300	300	300
	Trebizond	-	-	-	-	200	200	200	200	200
	Dardanelles	336	330	322	300	300	300	300	300	300
	Salonica	250	250	250	250	250	250	250	250	250
	Bucharest	375	500	500	500	500	500	500	500	385
	Adrianople	500	500	500	500	500	500	457	250	250
	Smyrna:	800	800	800	800	800	800	800	800	800
	Vice-Consul & Cancelliere	600	600	600	600	500	500	500	500	500
	Chaplain	250	250	250	250	250	250	250	250	250
	Surgeon	300	300	300	300	300	300	300	300	300
	Scio	17	17	16	15	13	35	33	31	40

COUNTRY.	RESIDENCE.	AMOUNT OF SALARIES IN THE YEARS								
		1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
		£.	£.	£.	£.	£.	£.	£.	£.	£.
Syria	Damascus	- -	- -	- -	- -	900	800	800	800	800
	Beirout	400	400	400	400	400	400	400	400	312
	Candia	125	120	125	106	90	86	79	94	116
	Cyprus	25	25	25	21	20	18	17	16	16
Egypt	Egypt, Agent and Consul-General	1,672	1,350	- -	- -	- -	- -	- -	1,600	1,600
	Alexandria, Consul	1,000	1,000	1,000	1,185	1,300	1,300	1,300	550	330
	D° Vice-Consul and Cancelliere	- -	140	140	140	145	287	300	300	300
	Cairo, Vice-Cons^{l}	200	200	200	250	300	300	300	300	300
United States	Washington	1,600	1,600	1,600	1,600	1,450	1,300	125	—	—
	New York	800	800	800	800	800	800	800	800	800
	Philadelphia	800	800	800	800	800	800	650	500	500
	Charleston	800	800	800	800	800	800	650	500	500
	New Orleans	800	800	800	800	800	800	650	500	394
	Boston	800	800	800	800	800	800	650	500	500
	Baltimore	800	800	800	800	800	800	650	500	500
	Mobile, Pensacola	500	500	500	500	500	500	450	400	400
	Norfolk	500	500	500	500	500	500	400	300	300
	Savannah	500	500	500	500	500	400	300	300	300
	Portsmouth	500	500	500	500	500	500	440	295	220
	Wilmington	500	500	500	500	500	500	250	—	—
	Newport	300	300	300	300	300	300	150	—	—
	New London	300	300	300	300	300	300	150	—	—
Mexico	Mexico	2,500	2,000	2,000	2,000	2,000	2,000	1,750	1,500	1,500
	San Blas	500	500	500	500	500	500	393	300	265
	Vera Cruz	500	500	500	500	500	500	400	500	500
	Tampico	500	500	500	500	500	500	443	383	400
	Xalapa	1,500	1,500	750	Abolished.	—	—	—	—	—
Guatemala	Guatemala	1,250	1,239	½ y^{r} 750	1,500	1,500	1,468	583	1,030	1,374
	Ditto	700	700	700	—	—	—	—	—	—
Colombia	Carthagena	1,500	1,500	1,500	1,500	1,500	1,519	1,615	1,365	1,115
	Maracaibo	1,000	1,250	1,250	1,250	1,012	925	300	300	204
	Caracas and La Guayra	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250
	Panama	1,250	1,250	1,250	1,250	1,250	1,250	1,058	365	365
	Guayaquil	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	Puerto Cabello	800	800	½ y^{r} 400	¼ y^{r} 200	800	800	800	800	800
	Bogota	2,500	2,000	2,000	2,000	2,000	400	100	—	—
Brazil	Rio de Janeiro	2,500	2,500	2,500	1,791	1,500	1,500	1,050	300	300
	Maceio	- -	- -	- -	250	250	250	227	250	250
	Maranham	1,000	1,000	1,000	1,000	990	960	675	225	226
	Para	- -	- -	- -	200	200	200	200	200	200
	Pernambuco	1,200	1,200	1,200	1,450	1,000	1,000	750	500	426
	Bahia	1,200	1,200	1,200	800	1,366	1,200	1,000	800	800
Monte Video	Monte Video	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,062	1,000
Buenos Ayres	Buenos Ayres	2,500	2,500	2,500	2,500	2,500	2,500	1,850	800	800
	Ditto	700	700	700	700	700	700	175	—	—
	Ditto	700	700	700	400	100	—	—	—	—
Chili	Valparaiso	2,500	2,500	2,500	2,500	2,500	- -	400	1,600	1,600
	Ditto	700	700	700	700	879	1,065	1,065	1,065	759
	Ditto	700	—	—	—	—	—	—	—	—
	Concepcion	- -	1,000	1,000	1,000	1,000	1,000	1,000	925	900
	Coquimbo	1,000	1,250	1,250	1,250	1,307	990	896	1,177	1,057
Peru	Lima	2,500	2,500	2,100	- -	- -	- -	1,500	2,000	2,000
	Ditto	- -	- -	- -	- -	- -	- -	300	700	700
	Ditto	700	700	700	1,150	1,150	700	700	350	—
	Ditto	700	700	700	1,150	1,150	700	700	350	—
	Arequipa, Islay	1,000	1,250	1,250	1,250	1,250	1,250	1,250	1,062	1,000
Hayti	Port-au-Prince	1,500	1,500	1,125	1,200	1,350	828	1,200	1,200	1,009
	Ditto	516	1,266	950	500	500	500	500	491	500
	Cape Haitien	- -	159	345	500	450	400	400	400	267
	Jacmel	- -	- -	53	248	111	100	100	100	100
Sandwich Islands	Woahoo	200	200	200	200	200	200	200	200	200
TOTAL CONSULAR SALARIES	£.	95,791	97,021	93,102	90,863	91,350	84,148	71,416	63,807	61,072

(B.)—STATEMENT in detail of the CONTINGENT EXPENSES connected with the CONSULAR SERVICE, from 1826 to 1834, both inclusive; showing the Amount paid at each Place in each Year.

The Returns from Abroad for 1834 are incomplete.

COUNTRY.	PLACE.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
		£.	£.	£.	£.	£.	£.	£.	£.	£.
Russia	St. Petersburgh	-	-	-	-	-	-	8	—	—
	Liebau	-	-	-	-	-	61	11	—	—
	Warsaw	-	-	-	-	-	-	512	220	34
Sweden	Stockholm	51	19	23	25	17	-	-	49	—
	Gottenburgh	105	105	105	105	105	105	105	105	—
Norway	Christiania	68	-	17	-	-	-	-	7	—
	Bergen	-	-	-	-	-	-	500	—	—
Denmark	Elsinore	-	-	-	-	63	4	12	93	167
Prussia	Dantzic	-	-	38	-	-	14	13	22	—
	Memel	-	-	-	-	-	-	248	—	—
Germany	Hamburgh	216	213	260	220	225	288	241	268	242
	Frankfort	-	-	-	-	-	-	228	—	—
Holland	Amsterdam	839	96	106	364	110	143	119	157	12
	Rotterdam	271	224	370	226	224	197	295	326	57
Belgium	Antwerp	-	-	14	21	7	99	8	77	14	10
	Ostend	200	200	200	206	347	178	170	274	256
France	Paris	-	-	-	-	-	-	70	—	—	—
	Calais	200	350	250	250	259	314	330	200	—
	Boulogne	200	200	200	252	267	264	168	192	162
	Havre	33	33	299	226	241	288	311	207	74
	Brest	-	-	-	-	25	24	308	167	120
	Nantes	-	-	-	47	6	24	21	7	4
	Charente	-	-	-	11	12	13	23	17	42	—
	Bordeaux	190	173	201	214	300	256	238	195	155
	Bayonne	-	-	15	10	7	14	21	41	30	41
	Marseilles	-	-	-	19	25	45	52	52	33	50
	Caen	-	-	-	58	80	130	38	11	—	—
Spain	Bilboa	13	-	3	6	-	6	28	—	—
	Corunna	10	-	-	-	-	117	—	—	—	—
	Cadiz	384	213	211	267	204	198	172	167	140
	Malaga	-	-	4	-	-	217	-	13	1
	Teneriffe	4	51	44	-	-	-	3	—	—
	Cuba	-	-	-	-	-	-	4	—	—
Portugal	Lisbon	453	437	372	349	322	382	424	449	183
	Oporto	355	439	454	553	425	483	555	1,076	101
	Madeira	258	318	328	525	428	746	299	—	—
	St. Michael's	-	902	180	120	468	109	97	24	—
	Cape Verdes	-	-	552	13	—	—	—	—	—
Italy	Genoa	125	104	112	266	104	137	124	120	102
	Leghorn	155	193	200	218	218	231	224	206	57
	Naples	-	376	5	20	332	183	142	210	19
	Rome	-	-	-	-	-	-	118	—	—
	Milan	-	-	-	-	-	-	-	-	27
	Ancona	-	-	-	-	-	-	-	-	7
Austria	Venice	-	-	-	2	2	—	—	—	—
	Trieste	-	-	-	100	249	231	228	234	—
	Fiume	-	-	-	-	-	-	-	28	—
Greece	Pyrgos	-	-	500	—	—	—	—	—	—
	Milo	14	13	13	4	—	—	—	—	—
Turkey	Constantinople	90	136	92	216	120	133	124	168	149
	Trebizond	-	-	-	-	256	150	150	150	550
	Dardanelles	-	-	-	35	18	23	25	26	23
	Smyrna	711	834	706	640	275	303	264	308	526
	Scanderoon	5	5	5	5	4	4	2	—	—
Egypt	Alexandria	245	664	702	707	684	730	749	1,300	768
	Cairo	398	440	450	310	150	150	150	100	100
United States	New York	50	575	101	163	152	102	190	125	169
	Philadelphia	13	-	-	27	-	-	-	17	14
	Charleston	37	25	-	-	24	40	23	30	17
	New Orleans	5	50	-	-	92	28	37	-	20

(continued)

COUNTRY.	PLACE.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
		£.	£.	£.	£.	£.	£.	£.	£.	£.
United States - *continued.*	Boston - -	25	160	63	42	- -	93	223	160	296
	Mobile - -	- -	- -	- -	- -	- -	- -	27	29	—
	Savannah -	- -	- -	- -	10	- -	- -	- -	29	—
	Portsmouth -	- -	- -	- -	- -	- -	- -	- -	13	—
Mexico - -	Mexico - -	- -	1,360	- -	- -	- -	- -	247	—	—
	Tampico - -	- -	- -	- -	- -	126	—	—	—	—
Guatemala - -	Guatemala -	283	—	—	—	—	—	—	—	—
Colombia - -	Carthagena -	44	- -	- -	6	3	- -	123	—	—
	Maracaibo -	- -	226	- -	25	—	—	—	—	—
	Caracas and La Guayra.	75	544	3	- -	- -	- -	133	—	—
	Panama - -	- -	14	- -	- -	- -	- -	170	—	—
	Guayaquil -	394	1,500	496	—	—	—	—	—	—
	Bogota - -	1,796	—	—	—	—	—	—	—	—
Brazil - -	Rio de Janeiro -	- -	373	1,966	1,100	676	618	1,040	1,649	—
	Maranham -	77	101	100	98	107	106	77	118	94
	Pernambuco -	385	334	323	372	359	—	—	—	—
	Bahia - -	75	157	197	88	106	110	102	137	—
Buenos Ayres -	Buenos Ayres -	646	550	564	2,066	1,127	362	357	570	—
Chili - - -	Valparaiso -	500	- -	22	- -	75	98	32	136	—
	Concepcion -	- -	533	—	—	—	—	—	—	—
	Coquimbo -	- -	- -	- -	- -	9	—	—	—	—
Peru - - -	Lima - -	1,564	1,503	283	- -	- -	- -	- -	19	—
	Arequipa & Islay	222	163	136	—	—	—	—	—	—
Hayti - -	Port au Prince -	1,256	2,704	114	500	300	324	189	2	—
	Hayti - -	- -	70	100	—	—	—	—	—	—
Sandwich Islands	Woahoo - -	- -	- -	- -	- -	- -	22	64	—	—
TOTAL of CONSULAR CONTINGENCIES -	£.	13,040	17,709	11,589	11,119	9,962	8,692	11,051	10,221	Estimate 10,000

Several of the Returns from abroad for the year 1834 not having been received, an estimate of the Total is all that can be given.

(C.)—ANALYSIS of the CONTINGENT EXPENSES of the several BRITISH CONSULS ABROAD, from 1826 to 1834, classed under different Heads of Charge, with the Totals in each Year.

HEADS OF CHARGE.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
	£.	£.	£.	£.	£.	£.	£.	£.	
Chaplains' Salaries - - - -	1,975	2,141	2,243	2,351	2,341	2,327	2,503	2,101	
Moiety of Annual Church Expenses, Building and Repairs of Churches and Chapels, Repairs and Maintenance of Hospitals and Burial Grounds.	1,798	3,522	1,167	2,927	2,478	1,277	987	866	
Allowances to Consuls for special Services, Outfit, Journies and Conveyance of Despatches.	2,819	6,170	1,854	1,399	1,574	1,030	3,303	1,852	
Expenses of Dragomans - -	780	742	717	611	586	594	571	527	
Expenses of Janisaries, Cancelliere, Estafettes, Repairs to Consular and Chaplain's Houses, Rents, Presents, Post-office Charges, &c.	2,488	1,930	1,094	774	329	465	485	566	
Expenses of British Conservatorial Courts.	254	624	586	579	503	611	430	648	
Pensions and Allowances to aged and indigent British Subjects and others having special Claims.	417	513	517	595	478	447	406	348	
Expenses incurred on account of distressed British Subjects, shipwrecked or otherwise left destitute.	595	629	2,930	1,827	1,580	1,483	1,792	2,913	
Expenses of forwarding from La Guayra to Canada a Colony of Scotch Emigrants in great distress.	- -	962	—	—	—	—	—	—	
Extraordinary Expenses incurred at Bogota, in consequence of earthquakes in 1826 and 1827.	1,387	—	—	—	—	—	—	—	
Miscellaneous Expenses, not included under any of the foregoing Heads.	527	476	481	146	92	458	574	400	
TOTAL CONTINGENCIES in each Year - - £.	13,040	17,709	11,589	11,119	9,961	8,692	11,051	10,221	10,000

The Returns from abroad for 1834 being incomplete, an estimate only can be given.

(D.)—STATEMENT of the Sums Voted by Parliament on Estimate for the Consular Service under the Foreign Department, in each Year from 1826 to 1834, compared with the Expenditure for the same Period.

	Amount of Grant.	Amount of Expenditure.
	£.	£.
Year ending 31 December 1826	119,000	108,831
Ditto 1827	114,000	114,730
Ditto 1828	111,000	104,691
Ditto 1829	102,600	101,982
Ditto 1830	99,600	101,312
Ditto 1831	94,975	92,840
Three months to 31 March 1832	23,743	82,467
Nine - ditto - 31 Dec. —	51,019	
Three months to 31 March 1833	17,006	74,028
Nine - ditto - 31 Dec. —	51,281	
Three months to 31 March 1834	17,094	71,072
Nine - ditto - 31 Dec. —	53,115	
£.	854,433	852,586

— Appendix, No. 3. —

LIST of Consular Stations, with Annual Rate of Salary in 1835; Amount of Fees in 1833; Number and Tonnage of British Vessels; and Value of Cargoes Inwards and Outwards.

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	FEES in 1833.	Number of British Vessels.	Tonnage.	INVOICE VALUE OF CARGOES.	
							Inwards.	Outwards.
			£.	£. s. d.			£.	£.
Russia	St. Petersburgh	Consul	500	17 6 6	694	72,162		
	Archangel	ditto	300	5 12 6	216	41,388	18,510	325,190
	Riga	ditto	300	6 — 6	402	61,905		
	Liebau	ditto	150	9 2 3	26	3,322	1,412	63,166
	Warsaw	ditto	600					
	Odessa	Consul-General	600	257 5 —	92	20,557	- -	504,255
	Taganrog	Vice-Consul	200	28 — —				
Sweden	Stockholm	Consul	200	15 10 6	20	6,340	3,401	99,716
	Gottenburgh	ditto	500	18 5 10	39	6,056	30,773	27,976
Norway	Christiania	ditto	150	27 9 —	5	495		
	Bergen	ditto	200	9 — —	71	4,460		
Denmark	Elsinore	ditto	700	23 12 6	3,192 *	590,859		
	Copenhagen	Vice-Consul	100	54 2 1	78	14,009		
Prussia	Dantzic	Consul	500	12 — 10	53	7,986		
	Memel	Vice-Consul	60	- - -	199	40,360		
	Pillau	ditto	50					
	Stettin	ditto	50	13 14 6	50	7,269		
	Königsberg	ditto	60	2 18 6	15	1,010		
Germany	Hamburgh	Consul-General	1,500	435 17 11	896	140,167		
	Ditto	Vice-Consul	300					
	Bremen	ditto	150	29 3 4	38	5,983		
	Lubeck	ditto	150	5 8 —	28	3,835		
	Cuxhaven	ditto	100	3 12 —				
Holland	Amsterdam	Consul	300	67 18 8	66	9,206		
	Rotterdam	ditto	450	72 6 9	639	87,421		
Belgium	Antwerp	ditto	500	66 11 8	109	15,409		
	Ostend	ditto	300	112 1 —	256	35,896		
France	Paris	ditto	100	191 12 10				
	Calais	ditto	400	254 16 3	91	8,169		
	Boulogne	ditto	300	222 14 6	26	1,122	54,268	14,920
	Hâvre	ditto	400	110 12 —	79	9,363	70,300	67,824
	Brest	ditto	300	45 — —	2	77		
	Nantes	ditto	300	48 17 4	12	1,087	388	2,563
	Charente	ditto	300	70 3 7	65	8,554	7,355	277,346
	Bordeaux	ditto	400	107 9 1	64	10,806		
	Bayonne	ditto	300	3 11 2	3	318	800	15,000
	Marseilles	ditto	600	170 6 —	68	9,470		
	Toulon	Vice-Consul	50					
	Corsica	Consul	200	5 1 6				

* Vessels which passed the Sound.

(*continued*)

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	FEES in 1833.	Number of British Vessels.	Tonnage.	INVOICE VALUE OF CARGO.	
							Inwards.	Outwards.
			£.	£. s. d.			£.	£.
Spain	Madrid	Consular Assistant	150					
	Bilbao	Consul	350	48 – –				
	Corunna	ditto	400	9 – –				
	Cadiz	ditto	500	243 11 5	216	28,036	105,695	952,530
	San Lucar	Vice-Consul	200	25 – –	75	7,016	6,425	152,221
	Malaga	Consul	300	126 – –	146	11,916	70,753	125,051
	Carthagena	ditto	400	7 – –	14	1,548		
	Alicante	ditto	300	158 – –	50	5,856	28,492	51,283
	Barcelona	ditto	400	53 6 8	22	3,058	21,405	2,550
	Mahon	ditto	200	5 – –				
	Teneriffe	ditto	500	4 10 –	44	4,705	26,867	26,900
	Havana	ditto	300	- - -	52	5,800	313,129	294,721
	St. Jago de Cuba	ditto	300	16 8 –	20	2,403	8,611	42,537
Portugal	Lisbon	Consul	600	300 8 –	430	47,368		
	Ditto	Vice-Consul	300					
	Oporto	Consul	500	89 6 6	115	15,304		
	Madeira	ditto	300	313 10 –	158	29,612	50,081	172,335
	St. Michael's	Consul-General	400	268 8 –	305	21,903	56,437	100,116
	Ditto	Vice-Consul	100					
	Fayal	ditto	100	- - -	32	3,607	8,699	7,294
	Terceira	ditto	100	- - -	59	5,419	18,200	12,667
	Cape Verdes	ditto	100					
Italy	Genoa	Consul	400	257 – –	72	11,539		
	Nice	ditto	200	57 – –	19	2,285		
	Cagliari	ditto	250					
	Leghorn	ditto	400	319 – –	190	30,739		
	Ancona	Vice-Consul	100	81 – –	42	6,254	90,395	94,900
	Rome	Consular Agent	-	193 – –	29	4,539	31,779	8,465
	Naples	Consul	300	169 – –	110	15,617	- -	61,714
	Gallipoli	Vice-Consul	100	19 – –	25	3,303		
	Otranto	ditto	25					
	Palermo	Consul	400	86 – –	69	10,161	87,660	92,210
	Messina	ditto	200	389 – –	149	19,512	49,486	87,683
Austria	Austrian States	Consul-General	1,000	32 – –				
	Venice	Vice-Consul	100	63 – –	23	3,085		
	Trieste	ditto	100	233 – –	128	23,518	1,134,402	246,158
	Fiume	ditto	50	3 – –	2	412	900	3,300
	Ragusa	Consul	60	2 – –				
Greece	Patras	Consul	700	74 – –	23	3,620	2,939	38,949
	Pyrgos	Vice-Consul	200					
	Napoli	ditto	250					
	Syra	Consul	300	29 – –				
Turkey	Constantinople	Consul General	1,600	345 – –	104	14,785		
	Ditto	Vice-Consul Cancellier.	400	129 – –				
	Trebizond	Vice-Consul	200	7 – –	12	1,617	45,290	24,750
	Dardanelles	ditto	300					
	Salonica	ditto	300					
	Bucharest	ditto	500					
	Adrianople	ditto	200					
	Smyrna	Consul	800	372 – –	94	13,466		
	Ditto	Vice-Consul Cancellier.	200	137 – –				
	Ditto	Chaplain	250					
	Ditto	Surgeon	300					
	Scio	Vice-Consul	50	18 – –				
	Prevesa	Consul	400	327 – –				
Syria	Damascus	Consul-General	800					
	Aleppo	Consul	500					
	Beirout	ditto	500					
	Candia	Vice-Consul	150					
	Cyprus	ditto	25					
Egypt	Egypt	Agent and Consul-General.	1,600					
	Alexandria	Consul	300	187 – –				
	Ditto	Vice-Consul Cancellier.	300					
	Cairo	Vice-Consul	300	79 – –				

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	FEES in 1833.	Number of British Vessels.	Tonnage.	INVOICE VALUE OF CARGOES.	
							Inwards.	Outwards.
			£.	£. s. d.				
United States	New York	Consul	800	326 – –	364	69,006	429,414	525,502
	Philadelphia	ditto	500	156 – –	100	19,838	82,197	87,766
	Charleston	ditto	500	111 – –	68	20,428	69,196	492,149
	New Orleans	ditto	500	462 – –	94	31,193	230,038	898,107
	Boston	ditto	500	157 – –	259	25,561	48,676	51,401
	Baltimore	ditto	500	104 – –	37	7,539	31,620	49,770
	Mobile	ditto	400	45 – –	30	8,991	10,108	253,923
	Norfolk	ditto	300	107 – –	76	13,446	14,644	55,532
	Savannah	ditto	300	56 – –	64	20,713	33,256	395,240
	Portsmouth	Vice-Consul	70	85 – –	1,783	109,197	57,447	32,935
Mexico	Mexico	Consul-General	1,500					
	San Blas	Vice-Consul	300	- - -	2	357	18,500	5,000
	Vera Cruz	ditto	500	66 – –	26	4,162	398,100	
	Tampico	ditto	400	- - -	5	579		
Guatemala	Guatemala	Consul	1,200	1 – –				
Colombia	Carthagena	Consul	1,000	- - -	21	2,304	136,688	13,368
	Maracaibo	Vice-Consul	300	- - -	3	188	8,128	2,012
	Caracas	Consul	1,250	6 – –	13	2,483	74,073	4,242
	Panama	ditto	1,000					
	Guayaquil	ditto	1,000	11 – –	17	3,277	44,854	34,403
	Puerto Cabello	ditto	800	21 – –	25	5,228	16,910	41,165
Brazil	Rio de Janeiro	Consul	300	981 – –	203	40,232	1,540,704	710,883
	Maceio	Vice-Consul	250	10 – –	3	661	- -	20,637
	Maranham	Consul	300	120 – –	40	12,120	222,265	335,720
	Para	Vice-Consul	200	48 – –	21	3,489	57,492	66,441
	Pernambuco	Consul	500	301 – –	76	15,584		
	Bahia	ditto	800	482 – –	150	33,831		
Monte Video	Monte Video	Consul-General	1,000	46 – –	51	9,377	132,028	98,190
Buenos Ayres	Buenos Ayres	Consul	800	316 – –	73	14,071	625,674	288,771
Chili	Valparaiso	Consul-General	1,600	143 – –	50	11,040		
	Ditto	Vice-Consul	700					
	Concepcion	Consul	900	15 – –	9	3,305	786	2,011
	Coquimbo	ditto	1,000	- - -	7	- -	- -	36,401
Peru	Lima	Consul-General	2,000	40 – –	46	9,078		
	Ditto	Vice-Consul	700					
	Arequipa	Consul	1,000	89 – –				
Hayti	Port au Prince	Consul	1,200	51 – –	25	4,007	190,905	85,523
	Ditto	Vice-Consul	500					
	Cape Haitien	ditto	400	- - -	24	3,590	79,208	66,967
Sandwich Islands	Woahoo	Consul	200	- - -	19	7,300	18,250	16,375

This Paper is imperfect, in consequence of the Returns not being all received.

— Appendix, No. 4. —

LIST of His Majesty's Consuls Abroad, with the Dates of their present Commissions, and previous Services.

STATION.	RANK.	NAME.	Date of present Appointment.	PREVIOUS SERVICES.
Russia:				
St. Petersburgh	Consul	Thomas J. Gisborne	March 1832	
Archangel	ditto	Thomas Carew Hunt	Nov. - 1832	
Riga	ditto	Robert Hay	Dec. - 1832	
Liebau	ditto	Francis Keinitz	March 1807	
Warsaw	ditto	Charles John Barnett	June - 1833	- - Formerly Lieut.-colonel in the Third Guards.
Odessa	Consul-General	James Yeames	Oct. - 1819	
Taganrog	Vice-Consul	William Yeames	Feb. - 1818	
Sweden:				
Stockholm	Consul	George Foy	Jan. - 1813	
Gothenburgh	ditto	Henry Thomas Liddell	June - 1826	- Assistant Secretary to the late Levant Company.

STATION.	RANK.	NAME.	Date of present Appointment.	PREVIOUS SERVICES.
Norway:				
Christiania	Consul	George Mygind	April 1832	
Bergen	ditto	John Grieg	April 1832	Vice-Consul, from the year 1798.
Denmark:				
Elsinore	Consul	Francis C. Macgregor	June 1830	- - Vice-Consul at Bremen, from 1813 to 1824. Consul at the Canary Islands, from 1824 to 1830.
Copenhagen	Vice-Consul	N. A. Fenwick	June 1830	- - Vice-Consul at Elsinore, from 1826 to 1830.
Prussia:				
Dantzic	Consul	Alexander Gibsone	Sept. 1816	- - A very active and zealous agent during the war.
Königsberg	Vice-Consul	J. D. Brockmann	May 1832	
Pillau	ditto	C. E. Elsasser	August 1825	
Memel	ditto	Charles Ruppel	June 1832	
Stettin	ditto	F. H. Peterson	Feb. 1834	
Germany:				
Hamburgh	Consul-General	Henry Canning	Sept. 1823	Clerk of the Securities of the Excise.
Ditto	Vice-Consul	Charles Wesselhoeft	August 1817	
Bremen	ditto	B. Pearkes	March 1835	
Lubeck	ditto	W. L. Behncke	July 1816	
Cuxhaven	ditto	Henry H. Dutton	Oct. 1832	The Post-office agent.
Holland:				
Amsterdam	Consul	Robert Melvil	Dec. 1817	
Rotterdam	ditto	Alexander Ferrier	Sept. 1817	Vice-Consul at Rotterdam.
Belgium:				
Antwerp	Consul	George de H. Larpent	Nov. 1825	- - In the Army Pay-office, from 1802 to 1825.
Ostend	ditto	Gaspard A. Fauche	Feb. 1830	- - Secretary to H. M.'s Ambassador at St. Petersburgh, from 1820 to 1824. Consul at St. Martha, from 1825 to 1828. Consul at Charleston, from 1828 to 1829. Consul at Caen, from 1829 to 1830.
France:				
Paris	Consul	Thomas Pickford	March 1832	- - Clerk to the Consul-General at Paris, from 1820 to 1832.
Calais	ditto	Samuel G. Marshall	Jan. 1822	- - Clerk in the Foreign Office, from 1812 to 1814. Consul at Embden, from 1819 to 1822. Consul at Ostend, from 1822 to 1826.
Boulogne	ditto	William Hamilton	May 1826	Vice-Consul, from 1822 to 1826.
Hâvre	ditto	Archibald Gordon	July 1816	
Nantes	ditto	Henry Newman	June 1828	Consul at Charleston, from 1824 to 1828.
Brest	ditto	Anthony Perrier	Oct. 1824	
Charente	ditto	John Close	Nov. 1816	
Bordeaux	ditto	T. B. G. Scott	July 1832	Vice-Consul, from 1831 to 1832.
Bayonne	ditto	J. V. Harvey	May 1826	Formerly in the 3d Guards.
Marseilles	ditto	Alexander Turnbull	Jan. 1815	
Toulon	ditto	L. E. Jouve	July 1828	
Corsica	ditto	A. P. Palmedo	Nov. 1816	- - Many years Private Secretary to His Majesty's Minister at Turin.
Spain:				
Madrid	Consul-Assistant	G. A. Alonzo	March 1832	- - Many years Private Secretary to Lord Stuart de Rothesay when Minister at Lisbon and Ambassador at Paris.
Bilbao	Consul	J. Clark	June 1824	Consul at Oporto, from 1812 to 1832.
Corunna	ditto	J. Crispin	Aug. 1832	
Cadiz	ditto	J. M. Brackenbury	Oct. 1822	
San Lucar	Vice-Consul	Charles Phillippe	— 1803	
Malaga	Consul	William Mark	Feb. 1824	Formerly in the Royal Navy.
Carthagena	ditto	Matthew Carter	June 1833	- - Consul at Coquimbo in Chili, from 1825 to 1833.
Alicante	ditto	Jasper Waring	March 1816	
Barcelona	ditto	James Annesley	Nov. 1825	- - Attached to His Majesty's Mission at Berlin, from 1822 to 1825.
Mahon	ditto	L. C. Hargrave	Feb. 1811	- - Vice-Consul at Tunis, from 1791 to 1811.
Teneriffe	ditto	Richard Bartlett	June 1830	- - Entering Clerk in the Foreign Office, from 1806 to 1822. Consul at Corunna, from 1822 to 1830.
St. Jago de Cuba	ditto	John Hardy	June 1832	
Havana	ditto	C. D. Tolmé	Sept. 1833	
Portugal:				
Lisbon	Consul	William Smith	June 1834	A captain in the Army.
Ditto	Vice-Consul	Jeremiah Meagher	Dec. 1821	
Oporto	Consul	Edwin J. Johnston	Jan. 1834	

STATION.	RANK.	NAME.	Date of present Appointment.	PREVIOUS SERVICES.
Portugal—*continued.*				
Madeira	Consul	Henry Veitch	April 1809	
St. Michael's	Consul-General	William Harding Read	March 1811	Formerly in the Navy.
Ditto	Vice-Consul	R. C. Kendall	Jan. 1825	"
Fayal	ditto	John Minchin	June 1835	
Terceira	ditto	Hilliard Alton	May 1814	
Italy:				
Genoa	Consul	James Stirling	Nov. 1815	Consul at Nantes, from 1814 to 1815.
Nice	ditto	Peter La Croix	Sept. 1825	
Cagliari	ditto	George Bomeester	Feb. 1823	
Leghorn	ditto	John Falconar	Sept. 1814	
Ancona	Vice-Consul	Henry Kane	Nov. 1819	
Rome	ditto	John Freeborn	August 1831	-- A Deputy Assistant Commissary-general on half-pay.
Naples	Consul	William Gallwey	June 1834	A Commander in the Navy.
Gallipoli	Vice-Consul	Richard Stevens	Feb. 1829	
Otranto	ditto	Franc° V. Corchia	Oct. 1827	
Palermo	ditto	John Goodwin	June 1834	-- Consul at the Cape Verde, from 1828 to 1832. Consul at Naples, from 1832 to 1834.
Messina	Consul	W. W. Barker	May 1827	-- Vice-Consul at Messina, from 1814 to 1826.
Austrian States:				
Milan and Venice	Consul-General	Sir Thomas S. Sorell	Jan. 1834	-- Lieut.-colonel in the Army. Consul at Corunna, from 1830 to 1832.
Venice	Vice-Consul	William Colston Tatam	June 1823	
Trieste	ditto	Henry Bynner	Sept. 1819	Consul at Oporto, from 1832 to 1834.
Fiume	ditto	Charles Thomas Hill	August 1819	
Ragusa	—	—	—	
Greece:				
Prevesa	Consul	Sidney S. Saunders	April 1835	-- Clerk attached to the Consular Department in the Foreign Office, from 1825 to 1834.
Patras	ditto	G. W. Crowe	Sept. 1829	
Pyrgos	Vice-Consul	Anastasis Pasqualigo	Sept. 1829	
Napoli	ditto	J. D. Griffiths	August 1828	-- Clerk to the Consul-General in Albania, from to 1828.
Syra	Consul	Richard Wilkinson	April 1833	
Turkey:				
Constantinople	Consul-General	John Cartwright	Oct. 1819	-- Cancellier at Constantinople, from 1799 to 1801. Consul at Patras, from 1815 to 1817. Consul-General at Constantinople, from 1817.
Ditto	Vice-Consul	A. C. Cumberbatch	August 1830	-- Attached to Consulate at Paris, from 1825 to 1828. Attached to Consular Department in the Foreign Office, from 1828 to 1830.
Trebizond	ditto	James Brant	Jan. 1830	
Dardanelles	ditto	C. A. Lander	— 1828	
Salonica	Consul	Chas. Blunt	Jan. 1835	-- Acting Consul at Adrianople, from 1832 to 1835.
Bucharest	ditto	R. G. Colquhoun	Jan. 1835	
Adrianople	ditto	John Kerr	Jan. 1835	
Smyrna	ditto	R. W. Brant	May 1829	
Ditto	Vice-Consul	John Charnaud	April 1835	-- Cancellier at Salonica, from 1814, and Vice-Consul at ditto, from 1832 to 1835.
Scio	ditto	G. D. Vedova	Sept. 1830	-- Cancellier at Alexandria, from 1818 to 1829.
Syria:				
Damascus	Consul-General	W. P. Farren	August 1830	
Beyrout	Consul	Niven Moore	Jan. 1835	-- Cancellier at Constantinople, from 1822 to 1835.
Cyprus	Vice-Consul	A. Vondiziano	— 1799	Appointed by the Levant Company.
Candia	ditto	S. Capogrosso	— 1811	Ditto.
Aleppo	Consul	N. W. Werry	Feb. 1835	-- Vice-Consul and Cancellier, from 1816 to 1835.
Egypt:				
Cairo	Agent and Consul-General.	Patrick Campbell	Jan. 1833	-- Lieut.-colonel in the Royal Artillery. Secretary of Legation and Charge d'Affaires in Columbia, from 1826 to 1833.
Ditto	Vice-Consul	Mark Piozin	July 1834	
Alexandria	Consul	Robert Thurburn	Jan. 1833	
Ditto	Vice-Consul and Cancellier.	Charles Sloane	Nov. 1828	-- Attached to the Consulate at Cairo, from 1822 to 1825.
Damietta	Vice-Consul	Michael Surur	Jan. 1814	
Rosetta	ditto	Alexander Lenzi	— 1811	
United States:				
New York	Consul	James Buchanan	Feb. 1816	

(*continued*)

STATION.	RANK.	NAME.	Date of present Appointment.	PREVIOUS SERVICES.
United States—*continued.*				
Philadelphia	Consul	Gilbert Robertson	Aug. 1816	- - A very active agent during the war with the United States.
Charleston	ditto	William Ogilby	Nov. 1829	- - Attached to the Consulship at Caen, from 1826 to 1829.
New Orleans	ditto	John Crawford	Oct. 1834	- - Consul at Baltimore, from 1820 to 1834.
Boston	ditto	George Manners	June 1817	
Baltimore	ditto	John M'Tavish	Oct. 1834	- - Commissioner under the Article of the Treaty of Ghent, from 1813 to 1827. Acting Consul-General in the United States, from 1830 to 1832.
Pensacola	ditto	James Baker	Dec. 1827	- - Attached to the Consulate-general in the United States, from 1816 to 1824.
Norfolk	ditto	William Gray	Oct. 1818	
Savannah	ditto	Edmund Molyneux	June 1831	Vice-Consul at Columbia, from 1824 to 1827. Secretary to Commissioners under Treaty of Ghent, from 1823 to 1827.
Portland	Vice-Consul	Thomas Sherwood	Dec. 1817	
Mexico:				
Mexico	Consul-General	Charles T. O'Gorman	Oct. 1823	- - Attached to His Majesty's Embassy in Spain, from to .
San Blas	Vice-Consul	Eustace Barron	— 1825	
Vera Cruz	ditto	Francis Giffard.	Aug. 1833	
Tampico	ditto	J. T. Crawford	— 1827	Attached to the Consulship at Lisbon.
Hayti:				
Port au Prince	Consul	G. W. C. Courtenay	Feb. 1832	A captain in the Navy.
Ditto	Vice-Consul	Thomas Ussher	July 1833	
Cape Haitien	ditto	Harrison J. Thompson	June 1827	
Guatemala:				
Guatemala	Consul	Frederick Chatfield	June 1833	- - Consul at Memel, from 1826 to 1831. Consul at Warsaw, from 1831 to 1833.
Columbia:				
Carthagena	Consul	James Henderson	April 1833	- - Consul-general in Columbia from 1823 to 1830.
Maracaybo	ditto	Robert Mackay	Dec. 1831	
Caracas	ditto	Sir Robert Ker Porter	Oct. 1825	
Panama	ditto	Thomas Turner	Jan. 1835	Consul at Ragusa, from 1816 to 1835.
Guayaquil	ditto	Walter Cope	Jan. 1827	- - Attached to His Majesty's Mission at Buenos Ayres, from 1826 to 1827.
Puerto Cabello	ditto	William Wall	Nov. 1829	- - Attached to His Majesty's Mission at Bogota, from 1825 to 1829.
Brazil:				
Rio de Janeiro	Consul	Robert Hesketh	March 1832	- - Consul at Maranham, from 1812 to 1832.
Maceio	Vice-Consul	Baldwin Sealy	June 1821	
Maranham	Consul	John Moon	Nov. 1832	
Parà	Vice-Consul	John Hesketh	Nov. 1824	
Pernambuco	Consul	Edward Watts	Oct. 1834	- - Consul at Carthagena, from 1823 to 1834.
Bahia	ditto	John Parkinson	Nov. 1829	- - Consul at Königsberg, from 1814 to 1821. Consul at Pernambuco, from 1821 to 1829.
Monte Video:				
Monte Video	Consul-General	Thomas Samuel Hood	Oct. 1823	Formerly in the Navy.
Buenos Ayres:				
Buenos Ayres	Consul	Charles Griffiths	April 1832	
Chili:				
Valparaiso	Consul-General	Honourable John Walpole	May 1833	- - Private Secretary to Secretary of State, from 1830 to 1833.
Ditto	Vice-Consul	John White	— 1823	
Coquimbo	Consul	Charles Chamberlain	June 1823	- - Attached to the Consulate of St. Petersburgh, from 1820 to 1821. Consul at Carthagena in Spain, from 1821 to 1833.
Concepcion	ditto	Henry Rouse	Jan. 1827	
Peru:				
Lima	Consul-General	Belford H. Wilson	April 1832	
Ditto	Vice-Consul	Timothy S. Sealy	— 1832	
Arequipa	Consul	Udny Passmore	Feb. 1825	- - Clerk in the Foreign Office, from 1817 to 1825.
Sandwich Islands:				
Woahoo	Consul	Richard Charlton	Sept. 1824	

— Appendix, No. 5. —

LIST OF UNPAID BRITISH VICE CONSULS.

COUNTRY.	RESIDENCE.	NAME.
Russia	Cronstadt	John Booker.
	Reval	John Chas. Giread.
	Wyborg	Paul Wahl.
	Liebau	J. P. Dehling.
	Windau	W. W. Harff.
Sweden	Sandsvall and Hernösand	D. Campbell.
	Gefle	G. A. Elfstrand.
	Westervik	L. D. Lönnberg.
	Norrköping	J. Moselius.
	Calmar	J. P. Kinnecke.
	Wisby Gottland	G. N. Donner.
	Strömstad	Chr. Norberg, jun.
	Udde-walla	J. G. Mollen.
	Marstrand	Robert Channing.
	Falkenberg and Warberg	George Sinclair.
	Halmstad	Göran Hammar.
	Ystad	C. M. Lundgren.
	Carlscrona	C. W. Palander.
	Carlsham	N. Retzius.
Norway	Fridrichshald	William Hansen.
	Moss	David Chrystie.
	Dramen	Niels Omsted.
	Sandefiord and Tönsberg	Christopher Hvidt.
	Porsground	James Gasmann.
	Rüsoer	N. S. Boyesen.
	Krageröe	Olaus Johnson.
	Orendal	Hans Dedekam.
	Christiansand	Peder Mörch.
	Mandal	Jens Andersen, jun.
	Fahrsund	Ebbe Lund.
	Egersund	Abm. S. Böckman.
	Stavangar	Jonas Sch. Kjelland.
	Drontheim	J. S. Gram.
	Christiansund	Hans Clausen.
	Bergen	Joachim Grieg.
Denmark	Elsineur	William Chapman.
	Odense	Thomas Chas. Grutt.
	Aalborg	Jens S. Herskind.
	Nakskow	Alfred Hage.
	Bornholm	Herrman J. Sonne.
	Corsoer	Hans Joersen.
Prussia	Danzig	Francis Marshall.
	Swinemunde	H. E. A. Krause.
Germany	Francfort	Robert Koch.
	Wismar	Phil. Süsseroth.
	Rostock	George Meyenn.
	Brake	J. S. Macnamara.
	Tonning and Husam	P. H. Dirks.
	Kiel	Samuel Lea.
	Embden	D. H. Taacks.
Holland	Amsterdam	Francis Melvil.
	Groningen	U. G. Shilthuis.
	Helder	Jacob Hooglant.
	Harlingen	Rodenhuis Bowertz.
	Texel	Jonas Noordberg.
	Rotterdam	Sir Jas. Turing, bart.
	Dordt	Gerard Mauritz.
Belgium	Ostend	E. T. Curry.
	Nieuport	M. Meynné.
	Bruges	Peter Barnes.
France	Dunkirk	Captain Pettingal.
	Le Hâvre	Gilbert Gordon.
	Rouen	E. Decaen.
France-*cont*ᵈ.	Candebee	A. Cherie.
	St. Valery en Caux	Le Seigneur fils.
	Tréport	Rabion ainé.
	Fécamp	Heaume, jun.
	Dieppe	G. Chapman, jun.
	Caen	Charles Armstrong.
	Honfleur	Robert Cassels.
	Brest	A. Bouet, jun.
	Quimper	A. Cochois.
	Morlaix	J. Alexandre.
	L'Orient	P. Levescomte, R. N.
	St. Brieux	Claude Rouscel.
	St. Malo	G. W. Jennings.
	Granville	M. Ducoudray.
	Cherbourg	B. Le Jolis.
	Croisie	Cassier Frogier.
	Noirmoutier	P. F. Richer.
	Charente and Rochefort	John Close, jun.
	La Rochelle and Marans	Ferdinand Gilbert.
	Royan	J. B. Dusser.
	Ile D'Oleran	J. Patrouilleau.
	Ile de Rhé	J. P. Valleau.
	Marenne et La Tremblude	J. Massan.
	Bordeaux	Lieut. F. Cutler, R. N.
	Cette	Richard Ryan.
	Marseilles	W. H. Richardson.
Spain	Bilbao.	
	Corunna	Benito Santos.
	Rivadeo	Juan Leon Sexee.
	Vigo	Leopolda Menendez.
	Santona	Ign. de Paudo.
	Santander	J. M. de Montalban.
	Ponte Vedra	F. X. Brabo.
	Villagarcia	Manuel de Rocha.
	Muros	D. A. de N. y Duque.
	Corcubion	Alonso Blanco.
	Camarinas	José M. Patino.
	Fontan	José Seijo.
	Ferrol	Ant. Ign. Fernandez.
	Barquero	José Cattá.
	Vivero	Benito Galzeran.
	Castropal	J. A. de Perreira.
	Castro Urdiales	M. Y. de Ocharan.
	Laje e Corme	Edward Abente.
	Gijon	John Joseph Kelly.
	Suancas and Requejada	Felix de Aquirre.
	Cadiz	J. M. Brackenbury, jr.
	Port St. Mary	C. S. Campbell.
	Seville	Julian B. Williams.
	Xeres	John David Gordon.
	Algesiras	Cosme Burlini.
	Huelva	Juan Bermudez.
	Ayamonte	J. de Mata Perez.
	Coril	José M. de Mora.
	Malaga	Wm. Penrose Mark.
	Almeria	William Barron.
	Adra	John Kirkpatrick.
	Almunecar	Josias Lambert.
	Carthagena	Dr. Manuel Faysa.
	Aquilas	Angel Cervetto.
	Murcia	M. A. Starico.
	Mazarron	Eusebio Ruiz.
	Alicante	Francis Waring.
	Valencia	Igna. M. Peyrolon.
	Benicarlo	James O'Connor.

(*continued*)

COUNTRY.	RESIDENCE.	NAME.
Spain—*contd.*	Denia	Peter Morand.
	Altea	Martin Martinez.
	Terravieja	John Perez.
	Barcelona	John Montagu.
	Tarragona	John Bridgman.
	Salon	Joachim Borrás.
	Rosas	John Capdevila.
	Vilanova	Joseph Miró.
	Palamos	Nicholas Botet.
	Mataro	Salvador Isart.
	Iviza	John Wallis.
	Majorca	J. A. Hargrave.
	Minorca	Bartolomeo Constant.
	Santa Cruz	William Curry Botts.
	Las Palmas	George Anstice.
	Oratava	Thomas Carpenter.
	Arrecife	George Saunders.
	Island of Palma	George Lavers.
	Fuerte Ventura	José Quintana.
Portugal	St. Ubes	Emanuel F. Rego.
	Faro	Jos. B. Crispin.
	Vianna	Robert Norton.
	Figueira	Solomon Tozer.
	Cezimbra	Jos. Mar. Rego.
	Villa Nova de S. Antonio	Lewis Cassar.
	Aveiro	Lawrence Fowke.
	Villa Nova de Portimao	José F. F. Biker.
	Espozende	Caet. José de Silva.
	Valenza	Luiz A. R. Valle.
	Peniche	J. A. C. Carvalho.
	Belem	James Phillips.
	Lagos	D. J. Ribeiro.
	Oporto	J. A. de Silva.
	Villa da Conde	B. de Costa Craveiro.
	Mayo	Theophilus Barker.
	Funchal	G. W. Veitch.
	St. George's	Jorge L. Pereira.
	Flores and Corvo	James Mackay.
Italy	Porto Fino	Giuseppe Poggi.
	Genoa	A. G. Barchi.
	Levanto	Leopoldo Venzoni.
	Porto Venere	Giuseppe Celli.
	Savona	Giuseppe Bartoli.
	Nice and Villafranca	Adolphe Lacroix.
	S. Remo	F. Gismondi.
	Oveglia	C. D. Amoretti.
	Portoferrajo	George Manganaro.
	St. Elpidio	Mar. Ugolini.
	Senigallia	Dom. de Candei.
	Fermo	Giuseppe Errighi.
	Ferrara	William M'Alister.
	Fano and Pesaro	Count Borgogelli.
	Rimini	Count Brancaleone.
	Recanati	M. Gio. del Monte.
	Ravenna	Francisco Dorati.
	Porto Danzio	Carlo Brovelli.
	Corneto	Giacomo Quaglia.
	Civita Vecchia	Cubitt Bartram.
	Castellamare	Paolo Anaclerio.
	Sorrento and Massa	Antonio di Caro.
	Pozzuoli and Baja	Gaspari Pisani.
	Salerno	B. Consiglio.
	Scilla	Rocco Minasi.
	Regio	Cavaliere V. Attanasio.
	Taranto	Lodovico Talamo.
	Brindisi	Gius. Moticelli.
	Monopoli	G. Ant. Finamore.
	Avola	Fidele Guarino.
	Barletta	Gius. de Martino.
	Manfredonia	Vincenzo Baretta.
Italy—*contd.*	Gaeta	Geo. Bat. Conte.
	Leco	Dominico Nicazza.
Sicily	Licata	Thomas Cascini.
	Girgenti	Gaetano Sterlini.
	Trapani	Salvatore Malato.
	Marsala	Sebast. Giacalone.
	Catania	William Thos. Rose.
	Syracuse	Richard Reynell.
	Sciacca	Fred. Imbornone.
	Patti	Emman. Sciacca.
	Mazzara	Mathias Clarkson.
	Castellammare	Salv. Marcantonio.
Austrian States.	Milan	Babington Nolan.
	Bocce di Cattare	Agostino Reggio.
Greece	Patras	Henry Robinson.
	Missolonghi	
	Syra	A. S. Vitalis.
	Tinos	A. N. Vitalis.
	Miconi	P. Cordia.
	Andros	George Campanachi.
	Zea	N. Pargalo.
	Noxia	Nic. Frangopulo.
	Paros	P. Mavromati.
	Santorin	G. Delenda.
	Milo	William Almene.
	Scopelo	T. Charnaud.
	Siphanto	Petro Bao.
	Nauplia	W. D. Griffiths.
Turkey	Scala Nova	Rozario Fetini.
	Samos	Theodore Spatti.
	Maratocambo	Antonio Giorghiadi.
	Scio and Chismé	Guido D. Vedova.
	Metilene	Pietro P. Conidari.
	Aivali	Giac. Petala Marato.
Egypt	Suez	Nicola Manoli.
	Casseir and Kenneh	Seid Hussein.
	Jidda	Jacoul Youssouff.
Syria	Beirout	G. Chasseaud.
United States	New York and Perthamboy	J. C. Buchanan.
	Charleston	James Moodie.
	Wilmington	Anthony Meilan.
	Boston	R. C. Manners.
	Columbia	A. J. Hunt.
	Baltimore	P. T. Dawson.
	Alexandria	C. T. Chapman.
	Pensacola	John Inverarity.
	Mobile	Robert Higgin.
	Key, West	Oliver O'Hara.
	Petersburg	Robert Leslie.
	Richmond	
	Darien	William Cooke.
	Portsmouth	George Jaffarey.
	Eastport	Benj. Williams.
	Bath	J. B. Swanton.
Mexico	Laguna de Terminos	G. B. Sheils.
Columbia	Caracas & La Guayra	Morris Lievesley.
	La Guayra	Henry J. Lord.
Brazil	Santos	William Whitaker.
	Rio Grand do Sul	Henry Law.
	Bahia	Fred. Robillard.
Peru	Callao	John Barton.
Haiti	Jacmel	R. E. Hodges.
	Aux Cayes	George Ballard.

— Appendix, No. 6. —

LIST of British Chaplains at Foreign Ports.

Poland	Warsaw	Reverend —— Smith.
Sweden	Gottenburgh	Reverend Morgan Morgan.
Denmark	Elsineur	Reverend Nugent Wade.
Hans Towns	Hamburgh	Reverend Richard Baker.
Holland	Amsterdam	Reverend W. B. Otter.
	Rotterdam	Reverend Joseph Bosworth.
France	Calais	Reverend John Liptrott.
	Hâvre	Reverend G. M. Jukes.
	Caen	Reverend Dr. Wright.
	Bordeaux	Reverend T. St. John Quin.
Portugal	Lisbon	Reverend J. H. Seily.
	Oporto	Reverend Edward Whiteley.
	Madeira	Reverend R. J. Lowe.
	St. Michael's	Reverend R. H. Brant.
Sardinia	Genoa	Reverend Thomas Harvey.
Tuscany	Leghorn	Reverend W. W. Berry.
Naples	Naples	Reverend Charles Lushington.
Austrian States	Trieste	Reverend William Battiscombe.
Turkey	Smyrna	Reverend Fr. V. J. Arundel.
Brazil	Rio de Janeiro	Reverend Arthur Maister.
	Pernambuco	Reverend C. A. Austin.
Buenos Ayres	Buenos Ayres	Reverend John Armstrong.

Foreign Office, June 1835.

— Appendix, No. 7. —

AMOUNT of Fees received by His Majesty's Consuls Abroad, from the Year 1826 to 1834.

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	AMOUNT OF FEES IN THE YEARS								
				1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
			£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Russia	St. Petersburgh	Consul	500	38	19	10	13	37	99	12	17	12
	Archangel	ditto	300	127	163	25	42	36	-	-	5	1
	Riga	ditto	300	4	4	3	3	27	-	-	6	6
	Liebau	ditto	150	1	-	7	3	5	23	3	9	18
	Warsaw	ditto	600	—								
	Odessa	Consul-general	600	208	308	48	117	312	163	183	257	169
	Taganrog	Vice-consul	200	53	78	-	-	104	65	50	28	42
Sweden	Stockholm	Consul	200	7	14	5	2	4	27	23	15	—
	Gottenburgh	ditto	500	13	28	48	41	30	83	33	18	25
Norway	Christiania	Consul	150	1	2	5	5	6	23	12	27	38
	Bergen	ditto	200	-	-	-	-	-	-	-	9	2
Denmark	Elsinore	Consul	700	8	16	14	15	23	93	10	23	19
	Copenhagen	Vice-consul	100	-	-	-	-	21	31	30	54	51
Prussia	Danzig	Consul	500	10	4	7	8	16	64	19	12	10
	Memel	Vice-consul	60	9	48	21	32	17	92	-	-	32
	Pillau	ditto	50	—								
	Stettin	ditto	50	-	-	-	-	-	-	-	14	13
	Königsberg	ditto	60	10	7	7	-	-	-	-	3	1
Germany	Hamburgh	Consul-general	1,500	198	713	424	336	389	478	592	436	352
	Ditto	Vice-consul	300	Nil.								
	Bremen	ditto	150	37	38	39	29	29	81	50	29	26
	Lubeck	ditto	150	8	2	3	4	4	15	8	5	5
	Cuxhaven	ditto	100	2	1	1	3	3	13	8	3	4
Holland	Amsterdam	Consul	300	43	60	47	36	50	54	133	68	54
	Rotterdam	ditto	450	71	150	104	52	69	233	136	72	64
Belgium	Antwerp	Consul	500	141	174	94	112	130	102	105	66	92
	Ostend	ditto	300	119	155	157	110	102	159	130	112	78
France	Paris	Consul	100	251	264	261	275	284	248	208	191	278
	Calais	ditto	400	200	254	277	242	286	361	228	254	206
	Boulogne	ditto	300	92	145	184	153	162	129	181	222	258

(continued)

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	AMOUNT OF FEES IN THE YEARS								
				1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
			£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
France (*continued.*)	Hâvre	Consul	400	121	116	138	123	110	86	108	110	150
	Brest	ditto	300	69	23	13	27	-	28	55	45	—
	Nantes	ditto	300	22	12	5	47	62	45	26	48	41
	Charente	ditto	300	58	64	61	42	44	38	69	70	52
	Bordeaux	ditto	400	184	161	135	120	152	111	154	107	103
	Bayonne	ditto	300	6	19	3	-	2	95	6	3	2
	Marseilles	ditto	600	210	227	257	141	154	160	135	170	210
	Toulon	Vice-consul	50	—								
	Corsica	Consul	200	1	1	-	-	2	3	3	5	2
	Caen	ditto	-	56	38	60	-	58	32	—		
Spain	Madrid	Consular Assistant	150	17	9	11	13	8	—			
	Bilbao	Consul	350	42	40	39	53	33	36	49	48	—
	Coruna	ditto	400	10	15	7	11	13	9	-	9	—
	Cadiz	ditto	500	348	250	327	416	578	401	353	243	225
	San Lucar	Vice-consul	200	8	34	-	-	-	-	-	25	—
	Malaga	Consul	300	181	125	175	120	139	95	103	126	112
	Carthagena	ditto	400	-	-	-	-	-	-	-	7	22
	Alicante	ditto	300	48	56	67	72	90	82	97	158	251
	Barcelona	ditto	400	138	127	-	74	74	-	-	53	—
	Mahon	ditto	200	-	-	-	-	-	-	-	5	5
	Teneriffe	ditto	500	7	20	17	4	5	-	3	4	1
	Havana	ditto	300	—								
	St. Jago de Cuba	ditto	300	-	-	-	-	-	-	-	16	10
Portugal	Lisbon	Consul	600	180	200	330	170	-	229	249	300	246
	Ditto	Vice-consul	300	Nil.								
	Oporto	Consul	500	81	51	104	68	84	46	44	89	99
	Madeira	ditto	300	103	246	48	298	348	278	216	313	232
	St. Michael's	Consul-general	400	89	54	129	172	137	179	185	268	187
	Ditto	Vice-consul	100	Nil.								
	Fayal	ditto	100	—								
	Terceira	ditto	100	—								
	Cape Verds	ditto	100	9	-	6	4	—				
Italy	Genoa	Consul	400	422	356	331	261	271	329	204	257	235
	Nice	ditto	200	32	35	25	54	30	17	16	57	39
	Cagliari	ditto	250	—								
	Leghorn	ditto	400	488	420	360	344	338	403	309	319	338
	Ancona	Vice-consul	100	176	258	151	104	27	30	35	81	69
	Rome	Vice-consul	-	55	47	53	100	181	142	216	193	177
	Naples	Consul	300	100	120	120	150	96	126	128	169	178
	Gallipoli	Vice-consul	100	-	-	-	-	-	-	-	19	27
	Otranto	ditto	25	—								
	Palermo	Consul	400	113	122	90	86	60	61	63	86	116
	Messina	ditto	200	430	338	346	306	324	299	256	389	373
Austria	Austrian States	Consul-general	1,000	-	-	-	-	-	-	-	32	35
	Venice	Vice-consul	100	70	52	38	43	106	75	85	63	79
	Trieste	ditto	100	240	245	243	395	303	272	271	233	244
	Fiume	ditto	50	3	5	6	2	-	5	2	3	2
	Ragusa	Consul	60	-	2	2	-	2	-	8	2	2
Greece	Patras	Consul	700	-	-	-	-	63	17	24	74	68
	Pyrgos	Vice-consul	200	-	-	-	-	19	—			
	Napoli	ditto	250	—								
	Syra	Consul	300	-	-	-	-	-	-	-	29	78
Turkey	Constantinople	Consul-general	1,600	-	-	-	-	-	-	524	345	281
	Ditto	Vice-consul Cancellier	400	—								
	Trebizond	Vice-consul	200	-	-	-	-	-	-	-	7	6
	Dardanelles	ditto	300	—								
	Salonica	ditto	300	—								
	Bucharest	ditto	500	—								
	Adrianople	ditto	200	—								
	Smyrna	Consul	800	-	-	-	340	605	475	410	372	338
	Ditto	Vice-consul Cancellier	200	—								
	Scio	Vice-consul	50	-	-	-	-	38	40	16	18	
	Prevesa	Consul	400	487	536	353	189	311	367	421	327	

COUNTRY.	RESIDENCE.	RANK.	Rate of Salary.	AMOUNT OF FEES RECEIVED IN THE YEARS								
				1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.
			£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Syria	Damascus	Consul-general	800	—								
	Aleppo	Consul	500	—								
	Beirout	ditto	500	—								
	Candia	Vice-consul	150	—								
	Cyprus	ditto	25	—								
Egypt	Egypt	Agent & Consul-general	1,600	—								
	Alexandria	Consul	300	-	407	568	615	323	325	351	187	201
	Ditto	Vice-consul Cancellier	300	—								
	Cairo	Vice-consul	300	-	-	-	25	112	81	112	79	55
United States	New York	Consul	800	310	157	222	125	182	294	277	326	339
	Philadelphia	ditto	500	58	60	79	67	68	109	138	156	124
	Charleston	ditto	500	187	96	60	-	112	117	143	111	172
	New Orleans	ditto	500	227	629	439	336	504	556	531	462	376
	Boston	ditto	500	39	15	60	33	47	68	177	157	215
	Baltimore	ditto	500	42	20	42	33	26	40	60	104	—
	Mobile	ditto	400	-	-	-	-	-	-	76	45	—
	Norfolk	ditto	300	136	91	74	62	75	91	98	107	93
	Savannah	ditto	300	44	-	31	55	53	57	63	56	51
	Portsmouth	Vice-consul	70	25	4	18	3	22	21	34	85	73
Mexico	Mexico	Consul-general	1,500	—								
	San Blas	Vice-consul	300	—								
	Vera Cruz	ditto	500	-	-	-	-	-	-	47	66	—
	Tampico	ditto	400	-	-	-	-	-	-	27	—	
Guatemala	Guatemala	ditto	1,200	-	-	-	-	-	1	2	1	—
Colombia	Carthagena	ditto	1,000	-	22	67	90	20	22	—		
	Maracaibo	Vice-consul	300	—								
	Caracas	Consul	1,250	10	12	12	11	9	6	9	6	4
	Panama	ditto	1,000	-	-	-	128	245	—			
	Guayaquil	ditto	1,000	48	8	12	33	24	21	-	11	—
	Puerto Cabello	ditto	800	-	-	-	-	4	10	8	21	15
Brazil	Rio de Janeiro	Consul	300	656	745	1,383	828	938	651	695	981	1,074
	Maceio	Vice-consul	250	6	25	41	20	5	17	13	10	5
	Maranham	Consul	300	100	100	165	105	98	89	74	120	91
	Para	Vice-consul	200	13	22	9	40	42	58	49	48	48
	Pernambuco	Consul	500	156	335	500	551	514	426	363	301	—
	Bahia	ditto	800	219	356	277	274	270	325	420	482	516
Monte Video	Monte Video	Consul-general	1,000	87	20	31	27	-	-	-	46	—
Buenos Ayres	Buenos Ayres	Consul	800	335	89	186	243	285	260	-	316	261
Chili	Valparaiso	Consul-general	1,600	140	125	103	113	126	96	84	143	207
	Ditto	Vice-consul	700	—								
	Concepcion	Consul	900	-	-	30	26	-	-	18	15	
	Coquimbo	ditto	1,000	15	8	6	4	4	—			
Peru	Lima	Consul-general	2,000	39	58	65	27	11	-	-	40	96
	Ditto	Vice-consul	700	—								
	Arequipa	Consul	1,000	222	115	-	-	-	-	-	89	102
Hayti	Port-au-Prince	Consul	1,200	14	36	55	38	22	44	72	51	31
	Ditto	Vice-consul	500	-	-	-	-	-	9	16	—	
	Cape Haitien	ditto	400	—								
	Jacmel	ditto	-	-	-	-	2	—				
Sandwich Islands.	Woahoo	Consul	200	—								

Foreign Office, August 1835.

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Act to regulate Salaries of British Consuls.

— Appendix, No. 8. —

CAP. LXXXVII.

AN ACT to regulate the Payment of Salaries and Allowances to British Consuls at Foreign Ports, and the Disbursements at such Ports for certain public Purposes.

[5th July 1825.]

WHEREAS the provision which hath been hitherto made for the maintenance and support of the consuls-general and consuls appointed by His Majesty to reside within the dominions of sovereigns and foreign states in amity with His Majesty, out of the money applicable under the third class of His Majesty's civil list, as specified in the Schedule annexed to an Act made in the first year of His Majesty's reign, intituled "An Act for the support of His Majesty's household, and for the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland," is inadequate to the maintenance and support of such consuls-general and consuls, and it is expedient to make further and due provision for that purpose; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for His Majesty, by any order or orders to be issued by and with the advice of his Privy Council, to grant to all or any of the consuls-general or consuls appointed by His Majesty to reside within any of the dominions of any sovereign or foreign state or power in amity with His Majesty, such reasonable salaries as to His Majesty shall seem meet, and by and with such advice as aforesaid, from time to time to alter, increase, or diminish any such salaries or salary as occasion may require.

2. And be it further enacted, that such salaries shall be issued and paid to such consuls-general and consuls without fee or deduction: Provided always, that all such salaries as aforesaid be granted for and during His Majesty's pleasure, and not otherwise, and be held and enjoyed by such consuls-general and consuls as aforesaid, so long only as they shall be actually resident at the places at which they may be so appointed to reside, and discharging the duties of such their offices: Provided nevertheless, that in case His Majesty shall, by any order to be for that purpose issued through one of his Principal Secretaries of State, grant to any such consul-general or consul as aforesaid leave of absence from the place to which he may be so appointed as aforesaid, such consul-general or consul shall be entitled to receive the whole, or such part as to His Majesty shall seem meet, of the salary accruing due and payable during and in respect of such period of absence as aforesaid.

3. And be it further enacted, that the salaries so to be granted by His Majesty as aforesaid, shall be taken and received by the said consuls-general and consuls in lieu of and as a compensation for all salaries heretofore granted to them or any of them, and all fees of office and gratuities heretofore demanded, received or taken by them of or from the masters or commanders of British ships and vessels, or of or from any other persons or person, for or in respect of any duties or services by such consuls-general or consuls done, performed, or rendered, for or to any such masters or commanders, or other person or persons as aforesaid; and that no such consuls-general or consuls as aforesaid shall, from and after the 1st day of January 1826, be entitled for or by reason or on account of any act, matter or thing by him done or performed in the execution of such his office, or for or on account of any service by him rendered to any masters or commanders of British ships or vessels, or to any other person or persons, in the execution of such his office, to ask, demand, have, receive or take any fees, recompence, gratuity, compensation or reward, or any sum or sums of money, save as hereinafter is excepted.

4. Provided always, and be it further enacted, that it shall and may be lawful for all consuls-general and consuls appointed by His Majesty, and resident within the dominions of any sovereign, or any foreign state or power in amity with His Majesty, to accept, take and receive the several fees particularly mentioned in the Tables to this present Act annexed, marked with the letters (A.) and (B.), for and in respect or on account of the several matters and things, and official acts and deeds particularly mentioned in the said Schedules; and that it shall and may be lawful for His Majesty; by any order or orders to be by him made, by and with the advice of his Privy Council, from time to time, as occasion may require, to increase or diminish, or wholly to abolish, all or any of the fees aforesaid, and to establish and authorize the payment of any greater or smaller or new or additional fees or fee, for or in respect of the several matters and things mentioned in the said Schedules or any of them, or for or in respect of any other matters or things or matter or thing to be by any such consul-general or consul done or performed in the execution of such his office.

5. And

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5. And be it further enacted, that in case any consul-general or consul, appointed by His Majesty as aforesaid, shall, by himself or deputy, or by any person authorized thereto in his behalf, ask, demand, receive, take or accept, for or by reason or on account of any matter or thing by him done or performed in the execution of such his office, or for or on account or under pretence or by reason of any service or duty by him rendered, done or performed in such his office for any person or persons whomsoever, any other or greater fee, reward, gratuity, gift or remuneration than is mentioned and specified in the said Schedule, or than shall be sanctioned and specified in or by any such order or orders in Council as aforesaid, the person or persons so offending shall forfeit and become liable to pay to His Majesty, his heirs and successors, any sum of sterling British money, not exceeding the amount of the salary of such person for one year, nor less than the twelfth part of such annual salary, at the discretion of the court in which such penalty may be recovered, and shall moreover upon a second conviction for any such offence forfeit such his office, and for ever after become incapable of serving His Majesty in the same or the like capacity.

6. And be it further enacted, that a printed copy of the tables of fees allowed by this Act, or which may or shall be sanctioned or allowed by any order to be made in pursuance of this Act, by His Majesty in Council, shall be exhibited in a conspicuous manner, for the inspection of all persons, in the Custom-house in the port of London, and in all other custom-houses in the several ports and harbours of the United Kingdom of Great Britain and Ireland; and that printed copies thereof shall, by the collector or other chief officer of customs in all such ports and harbours as aforesaid, be delivered gratuitously, and without fee or reward, to every master or commander of any ship and vessel clearing out of any such port or harbour, and demanding a copy thereof.

7. And be it further enacted, that a copy of the said Schedule or table of fees to this present Act annexed, or which may be established and authorized by any such order or orders in Council as aforesaid, shall be hung up and exhibited in a conspicuous place in the public offices of all consuls-general or consuls appointed by His Majesty, in the foreign ports or places to which they may be so appointed, for the inspection of all persons interested therein; and any consul-general or consul omitting or neglecting to exhibit any such copy of the said Schedules in such his public office, or refusing to permit the same to be inspected by any person or persons interested therein, shall for every such offence forfeit and pay a sum of British sterling money not exceeding one-half the amount of the salary of such person for one year, nor less than the twelfth part of such annual salary, at the discretion of the court in which such penalty may be recovered.

8. And whereas it is expedient that His Majesty should be enabled to grant to the said consuls-general and consuls, appointed as aforesaid, allowances in the nature of superannuation or reward for meritorious public services; be it further enacted, that all the clauses, provisions, rules, regulations, restrictions, conditions and forfeitures contained and declared in an Act passed in the 50th year of the reign of his late Majesty King George the Third, intituled, "An Act to direct that accounts of increase and diminution of public salaries, pensions and allowances should be annually laid before Parliament, and to regulate and control the granting and paying of such salaries, pensions and allowances;" and in another Act, passed in the third year of the reign of his present Majesty, intituled, "An Act to amend an Act passed in the 50th year of his late Majesty, for directing that accounts of increase and diminution of public salaries, pensions and allowances shall be annually laid before Parliament, and for regulating and controlling the granting and paying of such salaries, pensions and allowances;" and in another Act, passed in the fifth year of the reign of his present Majesty, intituled, "An Act to amend an Act of the third year of his present Majesty, respecting superannuation allowances," shall be and the same are hereby extended to the said consuls-general and consuls, so far as such clauses, provisoes, rules, regulations, restrictions, conditions, penalties and forfeitures can be applied to the cases of such several persons respectively, as fully and effectually to all intents and purposes as if the same were repeated and re-enacted in this present Act.

9. Provided always, and be it further enacted, that if it shall at any time happen that, by reason of any war which may hereafter arise between His Majesty and any sovereign, or foreign state or power, within the dominions of whom any such consul-general or consul as aforesaid shall be appointed to reside, he shall be prevented from residing, and shall in fact cease to reside at the place to which he may be so appointed, it shall and may be lawful for His Majesty, by any order to be issued by and with the advice of his Privy Council, to grant to any such consul-general or consul, who may have served His Majesty in that capacity for any period not less than three years nor more than 10 years next preceding the commencement of any such war as aforesaid, a special allowance not exceeding the proportion of their respective salaries to which such consuls-general and consuls would be entitled under the provisions of the said recited Act of the third year of His present Majesty's reign, in case the period of their respective services had exceeded 10 years, and had not exceeded 15 years: Provided always, that in case any such consul-general or consul shall have served in such his office for the space of 10 years and more, it shall and may be lawful for His Majesty, by any such order in Council as aforesaid, to grant to him or them such a proportion of his or their respective salaries, which by the said recited

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Act is authorized to be granted as a superannuation allowance, according to the several periods of service exceeding 10 years, in the said Act of the third year of His present Majesty's reign.

10. And whereas churches and chapels for the performance of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, have been erected, and proper grounds have been appropriated and set apart for the interment of the dead, in divers foreign ports and places, and chaplains have been appointed for the performance of divine service in the said churches and chapels, and are now resident in such foreign ports and places; and it is expedient to afford encouragement for the support of the churches and chapels so erected as aforesaid, and to promote the erection of other churches and chapels in foreign ports and places to which His Majesty's subjects may resort, and wherein they may be resident in considerable numbers, for the purposes of trade or otherwise; be it therefore enacted, that at any foreign port or place in which a chaplain is now, or shall at any future time be resident and regularly employed in the celebration of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, and maintained by any voluntary subscription or rate levied among or upon His Majesty's subjects resorting to or residing at such foreign port or place, or by any rate or duty levied under the authority of any of the Acts hereinafter repealed, it shall and may be lawful for any consul-general or consul, in obedience to any order for that purpose issued by His Majesty through one of his principal Secretaries of State, to advance and pay from time to time, for and towards the maintenance and support of any such chaplain as aforesaid, or for and towards defraying the expenses incident to the due celebration of divine service in any such churches and chapels, or for and towards the maintaining any such burial-grounds as aforesaid, or for and towards the interment of any of His Majesty's subjects in any such burial-grounds, any sum or sums of money, not exceeding in any one year the amount of the sum or sums of money which during that year may have been raised at such port or place for the said several purposes, or any of them, by any such voluntary subscription or rate as aforesaid; and every such consul-general or consul shall, once in each year, transmit to one of His Majesty's principal Secretaries of State an account, made up to the 31st day of December in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription or rate as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such orders as aforesaid, and which accounts shall by such principal Secretary of State be transmitted to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, who shall give to any such consul-general or consul as aforesaid credit for all sums of money not exceeding the amount aforesaid, by them disbursed and expended in pursuance of any such order as aforesaid, for the purposes before mentioned, or any of them.

11. And be it further enacted, that in case any of His Majesty's subjects shall, by voluntary subscriptions among themselves, raise and contribute such a sum of money as shall be requisite for defraying one-half part of the expense of erecting, purchasing or hiring any church or chapel or building, to be appropriated for the celebration of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, or for defraying one-half part of the expense of erecting, purchasing, or hiring any building to be used as a hospital for the reception of His Majesty's subjects, or for defraying one-half of the expense of purchasing or hiring any ground to be used as a place of interment for His Majesty's subjects at any foreign port or place wherein any consul-general or consul appointed by His Majesty shall be resident, then and in any such case it shall and may be lawful for such consul-general or consul, in obedience to any order to be for that purpose issued by His Majesty through one of his principal Secretaries of State, to advance and pay, for and towards the purposes aforesaid, or any of them, any sum or sums of money not exceeding in the whole in any one year the amount of the money raised in that year by any such voluntary contribution as aforesaid; and every such consul-general or consul as aforesaid shall in like manner once in every year transmit to one of His Majesty's principal Secretaries of State an account, made up to the 31st day of December in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such orders as aforesaid, and which accounts shall by such principal Secretary of State be transmitted to the Lord High Treasurer, or to the Lords Commissioners of His Majesty's Treasury for the time being, who shall give to such consuls-general or consuls credit for all sums of money not exceeding the amount aforesaid, by him disbursed and expended in pursuance of any such order as aforesaid, for the purposes before mentioned, or any of them.

12. Provided always, and be it further enacted, that no such order shall be issued as aforesaid through any of His Majesty's principal Secretaries of State, authorizing the expenditure of money for the erection, purchase or hiring of any such new church or chapel or hospital as aforesaid, or for the purchase or hiring of any such new burial-ground as aforesaid, unless and until such consul-general or consul shall first have transmitted to

His Majesty, through one of His Majesty's principal Secretaries of State, the plan of such intended church or chapel, hospital or burial-ground, with an estimate, upon the oath of some one or more competent person or persons, stating the probable expence of and incident to the erection, purchase or hiring of any such church, chapel, hospital or burying-ground as aforesaid, and unless and until His Majesty shall have signified, through one of his said principal Secretaries of State, his approbation of the said plan and estimate; provided also, that no money shall actually be disbursed by any such consul-general or consul as aforesaid, for any of the purposes aforesaid, unless and until the money to be raised by any such voluntary subscription as aforesaid be actually paid up and invested in some public or other sufficient security, in the joint names of such consul-general or consuls, and two trustees appointed for that purpose by the persons subscribing the same, or unless and until two or more of such subscribers shall enter into good and sufficient security to His Majesty, by bond or otherwise, that the amount of such subscriptions shall actually be paid for the purposes aforesaid, by a certain day to be specified in every such bond or security, and which bond or security shall be preserved in the office of such consul-general or consul, and shall by him be cancelled and delivered back to the parties entering into the same, their heirs, executors or administrators, when and so soon as the condition thereof shall be fully performed and satisfied.

13. Provided also, and be it further enacted, that the whole salary of any chaplain heretofore appointed or to be appointed to officiate in any such church or chapel in any foreign port or place in Europe, shall not exceed in the whole 500*l.* by the year, or in any foreign port or place not in Europe, 800*l.* by the year; provided also, that all such chaplains shall be appointed to officiate as aforesaid by His Majesty, through one his principal Secretaries of State, and shall hold such their offices for and during His Majesty's pleasure, and no longer.

14. And be it further enacted, that all consuls-general and consuls appointed by His Majesty to reside and being resident at any foreign port or place wherein any such church or chapel, or other place appropriated for the celebration of divine worship, or hospital, or any such burial-ground as aforesaid hath heretofore been or shall hereafter be erected, purchased, or hired, by the aid of any voluntary subscription or rates collected by or imposed upon His Majesty's subjects, or some person or persons for that purpose duly authorized by any writing under the hand and seal of any such consul-general or consul, shall, once at the least in every year, and more frequently if occasion shall require, by public advertisement, or in such other manner as may be best adapted for insuring publicity, convene and summon a meeting of all His Majesty's subjects residing at such foreign port or place as aforesaid, to be holden at the public office of such consul-general or consul, at some time, not more than 14 days nor less than seven days next after the publication of any such summons; and it shall and may be lawful for all His Majesty's subjects residing or being at any such foreign port or place as aforesaid, at the time of any such meeting, and who shall have subscribed any sum or sums of money not less than 20*l.* in the whole, nor less than 3*l.* by the year, for or towards the purposes before mentioned, or any of them, and have paid up the amount of such their subscriptions, to be present and vote at any such meetings; and such consuls-general or consuls shall preside at all such meetings; and in the event of the absence of any such consuls-general or consuls, the subscribers present at any such meeting shall, before proceeding to the despatch of business, nominate one of their number to preside at such meeting; and all questions proposed by the consul-general, consul or person so nominated as aforesaid to preside in his absence, to any such meeting, shall be decided by the votes of the majority in number of the persons attending and being present thereat; and in the event of the number of such votes being equally divided, the consul-general, consul or person so presiding in his absence, shall give a casting vote.

15. And be it further enacted, that it shall and may be lawful for any such general meeting as aforesaid to make and establish, and from time to time, as occasion may require, to revoke, alter, and render such general rules, orders, and regulations, as may appear to them to be necessary, for the due and proper use and management of such churches, chapels, hospitals and burial-grounds as aforesaid, or for the proper control over and expenditure of the money raised by any such subscription as aforesaid, or otherwise in relation to the matters aforssaid, as may be necessary for carrying into execution the objects of this Act, so far as relates to those matters, or any of them: provided always, that no such rule, order, or regulation as aforesaid shall be of any force or effect, unless or until the same shall be sanctioned and approved by the consul-general or consul for the time being, appointed by His Majesty to reside and actually resident at such foreign port or place; and provided also, that the same shall, by such consul-general or consul, be transmitted by the first convenient opportunity for His Majesty's approbation; and that it shall and may be lawful for His Majesty, by any order to be by him issued through one of his principal Secretaries of State, either to confirm or disallow any such rules, orders and regulations, either in the whole or in part, and to make such amendments and alterations in or additions to the same, or any of them, as to His Majesty shall seem meet, or to suspend for any period of time the execution thereof, or any of them, or otherwise to direct or prevent the execution thereof, or any of them, in such manner as to His Majesty shall seem meet; and all orders so to be issued by His Majesty, in relation to the matters aforesaid, through one

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of his principal Secretaries of State, shall be recorded in the office of the said consul-general or consul at the foreign port or place to which the same may refer, and shall be of full force, effect and authority upon and over all His Majesty's subjects there resident.

16. And whereas it is expedient that the several Acts of Parliament hereinafter mentioned should be repealed; be it therefore enacted, that a certain Act of Parliament made and passed in the 8th year of the reign of King George the First, intituled, "An Act for more equal paying and better collecting certain small sums therein mentioned, for relief of shipwrecked mariners and distressed persons (His Majesty's subjects) in the kingdom of Portugal, and for other pious and charitable purposes usually contributed to by the merchants trading to Portugal;" and a certain other Act, made and passed in the 9th year of the reign of King George the Second, intituled, "An Act for the more equal paying and better collecting certain small sums for relief of shipwrecked mariners and distressed persons (His Majesty's subjects) in the port of Cadiz and port of St. Mary's, in the kingdom of Spain, and for other uses usually contributed to by the merchants trading to the said ports;" and a certain other Act made and passed in the 10th year of the reign of the said King George the Second, intituled, "An Act for collecting at the port of Leghorn certain small sums of money to which the merchants trading there have usually contributed for the relief of shipwrecked mariners, captives, and other distressed persons (His Majesty's subjects), and for other charitable and public uses;" and a certain other Act, made and passed in the 54th year of his late Majesty King George the Third, for altering and extending the said recited Act of the 8th year of the reign of King George the First, shall be and the same are hereby repealed.

17. And be it further enacted, that all and every sum and sums of money which shall be and remain in the hands of any collector or treasurer or other person, arising from any duties leviable under the several Acts hereby repealed, or any of them, and which shall not have been applied to the purposes or in manner directed by the said Acts respectively, shall by such collector, treasurer or other person be paid over to the consul-general or consul at the port or place where the same shall have been received; and all and every such sums and sum which shall be so paid to and received by any such consul-general or consul, and all other arrears of money arising from any such duties which shall be in the hands of any such consul-general or consul, shall be paid, applied and disposed of in such manner, and to and for such public purposes, as shall be directed by any one of His Majesty's principal Secretaries of State.

18. And be it further enacted, that all consuls-general and consuls shall be allowed and have credit in any accounts by them rendered, through one of His Majesty's principal Secretaries of State, to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, for all such sums of money as shall by any such consul-general or consul be disbursed and expended towards the succour and relief of mariners shipwrecked and taken in war, or other distressed persons being subjects of His Majesty, and resorting to the port or place at which any such consul-general or consul may be appointed to reside: provided always, that such sums of money be so disbursed and expended in pursuance of and in conformity to any special or general rules and regulations to be for that purpose made and prescribed by His Majesty, by any order or orders to be by him for that purpose issued, by and with the advice of his Privy Council, and that an account of the particulars of all such expenditure shall by the first convenient opportunity be transmitted by such consul-general or consul for His Majesty's information, through one of his principal Secretaries of State.

19. And be it further enacted, that within six weeks next after the commencement of each Session of Parliament there shall be laid before both Houses of Paliament copies of all orders which may have been made, since the commencement of the last preceding session of Parliament, by His Majesty, with the advice of His Privy Council, in pursuance of this Act, together with an account of all salaries which, since the commencement of such next preceding session of Parliament, may have been granted by His Majesty to any consuls-general or consuls, by virtue or in pursuance of this Act, together with an estimate specifying the total amount of the money to be required for the payment of the salaries of all such consuls-general or consuls respectively, for one year from the fifth day of January preceding the date of such estimate, and also for all contingent charges and expenses connected with the public duties and establishments of such consuls-general or consuls, after deducting the amount provided on account of the payment of such consuls-general or consuls out of the money applicable under the third class of His Majesty's Civil List, as specified in the Schedule annexed to an Act made in the first year of His Majesty's reign, intituled, "An Act for the Support of His Majesty's Household, and for the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland."

20. And whereas it is expedient that every consul-general or consul appointed by His Majesty at any foreign port or place should in all cases have the power of administering an oath or affirmation whenever the same shall be required, and should also have power to do all such notarial acts as any notary public may do; be it therefore enacted, that from and after the passing of this Act it shall and may be lawful for any and every consul-general or consul appointed by His Majesty at any foreign port or place, whenever he shall be thereto required, and whenever he shall see necessary, to administer at such foreign port or place any

any oath, or take any affidavit or affirmation from any person or persons whomsoever, and also to do and perform at such foreign port or place all and every notarial acts and act which any notary public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such oath, affidavit or affirmation, and every such notarial act, administered, sworn, affirmed, had or done by or before such consul-general or consul, shall be as good, valid and effectual, and shall be of like force and effect, to all intents and purposes, as if any such oath, affidavit or affirmation, or notarial act respectively, had been administered, sworn, affirmed, had or done, before any justice of the peace or notary public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

21. And be it further enacted, that all penalties incurred under or imposed by this Act shall and may be sued for, prosecuted and recovered by any person or persons who may sue for the same, by action of debt, bill, plaint or information in any of His Majesty's courts of record at Westminster, in the name of His Majesty's Attorney-general, wherein no essoign, protection, privilege, wager of law or more than one imparlance, shall be allowed.

22. And be it further enacted, that this Act, and the several clauses, matters, and things herein contained, shall take effect from the first day of January 1826, except where any other commencement is particularly directed.

TABLES to which this ACT refers.

Table (A.)

Certificate of due landing of goods, exported from the United Kingdom	2 dollars.
Signature of ship's manifest	2 dollars.
Certificate of origin, when required	2 dollars.
Bill of health, when required	2 dollars.
Signature of muster roll, when required	2 dollars.
Attestation of a signature, when required	1 dollar.
Administering an oath, when required	½ dollar.
Seal of office, and signature of any other document not specified herein, when required	1 dollar.

Table (B.)

Bottomry or arbitration bond	2 dollars.
Noting a protest	1 dollar.
Order of survey	2 dollars.
Extending a protest or survey	1 dollar.
Registrations	1 dollar.
Visa of passport	½ dollar.
Valuation of goods	1 per cent.

Attending sales, ½ per cent. where there has been a charge for valuing; otherwise 1 per cent.

Attendance out of consular office at a shipwreck, five dollars per diem for his personal expenses, over and above his travelling expenses.

Ditto - on opening a will	5 dollars.
Management of property of British subjects dying intestate	2½ per cent.

The dollars mentioned in the preceding tables are in all cases to be paid by the delivery of dollars, each of which is to be of the value of 4*s.* 6*d.* sterling, and no more, according to the rate of exchange prevailing at the place where such payment is made.

— Appendix, No. 9. —

COPY of a DESPATCH from Mr. *Brackenbury*, His Majesty's Consul at *Cadiz*, dated 31 December 1827, (with One Enclosure).

Sir,

I CLOSE my official correspondence of this year with my Report upon the 6 Geo. 4, c. 87.

In complying with the directions of Government, I have endeavoured to keep in mind what appeared to me to be the object of the Legislature in passing this Bill. My opinions on certain clauses of it, founded upon the experience of two years, are offered in furtherance of the same principles, with the view of promoting more effectually the public good.

I have, &c.

John Bidwell, esq., &c. &c. (signed) *J. M. Brackenbury.*

Appendix, No. 9.

Mr. Brackenbury's Despatch and Report.

REPORT of Mr. *Brackenbury*, His Majesty's Consul at *Cadiz*, upon the provisions of the Act 6 Geo, 4. c. 87.

6 Geo. 4, c. 87; cl. 1, 2, 3.

Consuls to be authorized to draw for the amount of their salaries quarterly, and also for an allowance for their vice-consuls, equivalent to the sums which they formerly received from the vice-consulage and other fees, now abolished by this Act, or in lieu of the amount paid them by the consul for discharging the duties of vice-consul at the ports and places of their respective residences.

Clause 4. Fees. Schedula Table B.; extending a protest or survey, 1 dollar.

The fees to be proportionate to the length of the document required; four or five hours are not unfrequently employed in assisting masters of vessels to extend their protests; the fee of one dollar for this service is an inadequate remuneration for the time and trouble bestowed, and not commensurate with the scale of fees established for other services.

Registrations.

Registrations to be paid for, in like manner, according to the length of the document registered; a scale might be determined similar to that by which notaries public regulate their charges.

Shipwrecks.

Shipwrecks generally happen in dangerous and uninhabited parts of the coast, where the consul, if his other duties permitted, would not take up his abode; the five dollars per diem should be extended to whomsoever the consul might appoint to superintend, for in this province, unless one or more persons were duly authorized to remain on the spot during the period of salving the wrecked property, the whole would be stolen. The consul to be allowed a per-centage by way of salvage upon all property saved under his direction and superintendence.

Attendance out of Consular office.

Attendance out of consular office when required, to be paid for in all cases the same as for opening a will.

Clause 10, Chaplains.

Chaplains, where consuls require them, to be paid by Government to the extent of 250 *l.* per annum, whether the resident Protestants subscribe an equal sum or not; the encouragement and the example to emanate from Government.

The consuls would, by this arrangement, be relieved from the necessary duties of visiting the sick in private houses and public hospitals, and of burying the dead; they would be exempted likewise from the necessity of assembling the Protestants for divine worship every Sunday, duties which in no single instance have been neglected or omitted during my residence at Cadiz.

Clause 10, Chaplains.

The rites of baptism and the administration of the holy sacrament would moreover be then administered in sickness and in health.

Where chaplains reside, marriages solemnized in the residence of the consul to be made legal; and where no chaplain is resident, the consul to be authorized to unite persons in wedlock. Officers in command of His Majesty's ships have such authority.

Marriages thus solemnized to be registered, as well as baptisms, in the consular-office. Copies thereof, duly certified, to be as valid for all purposes as certificates of marriages and baptisms enregistered in any church in Great Britain or Ireland.

The 4 Geo. 4, c. 67, 20 June 1823, was passed to legalize the marriages solemnized in Russia after the factory there was dissolved.

The 4 Geo. 4, c. 91, 10 July 1823, enacted to relieve His Majesty's servants from all doubts concerning the validity of marriages solemnized abroad, legalizes marriages solemnized in the house of any British subject residing at any place where there is a factory.

The British factory at Cadiz and Port St. Mary's was annulled by 6 Geo. 4, c. 87, and no provision appears to have been made since to legalize marriages solemnized in the house of the British consul, though he be the only servant of His Majesty residing within a very extensive province.

Sect. 11, Hospital and medical officer.

Consuls to be authorized to hire suitable house or apartments for an hospital. There is no necessity to purchase ground, or erect any building for such purposes at Cadiz.

A medical gentleman to be provided by Government, who being selected from the list of medical officers on half-pay of the army or navy, might be maintained by placing him upon full pay, without much additional expense to Government.

In Cadiz there is no British subject who practises the science of medicine; and although no inconvenience has yet been experienced, by reason of the kindness of the French authorities, and the skill of their medical officers, who have been pleased to admit the sick of our nation to a full participation of all the advantages of their well-regulated hospitals, and upon equal terms with the soldiers and sailors of their own nation; yet the absence of a British medical practitioner, whenever the French should cease to occupy Cadiz, could not be otherwise than very severely felt, for the only Spanish hospital (I speak from experience, as I make it a rule to visit the sick) is very defectively supplied either with those scientific practitioners or those comforts with which the sick of our country are furnished either at home or in any British settlement; in consequence whereof, I have witnessed the death of sick

Mr. Brackenbury's Despatch and Report.

sick seamen before the arrangement was entered into with the French medical officers, who doubtless might have been restored under a different treatment.

Burial places for Protestants. Clause 18.

If the 35th Article of the Treaty of Madrid, 1667, which provides for a decent and convenient burial place for Protestants, were carried into execution, a cemetery might be inclosed at a moderate expense adjoining to that used for the Roman-catholics.

Protestants are now interred in the sandhills in an open beach.

Consuls to be permitted to add to their disbursements, which are repaid by their bills upon the Lords of the Treasury, a commission of 2 ½ per cent., as they are authorized in similar cases upon the Navy Board.

Clause 20, Oath to be administered by Vice-consuls.

As Consuls reimburse themselves quarterly, the commission of 2 ½ per cent. would cover the loss of interest now incurred upon monies advanced by them for the public service.

Vice-consuls are not once named in the Consular Bill, although they are acknowledged in the instructions given to consuls, and are authorized in the 6 Geo. 4, c. 78, to administer oaths in all cases respecting quarantine; and are recognised in His Majesty's Order in Council of the 19th July 1825.

Extension of power of oaths administered by Consuls. 6 Geo. 4, c. 87, cl. 20.

In furtherance of the public service, vice-consuls should have the like power of consuls in administering oaths, in certifying documents, and in executing any notarial act; and oaths administered by consuls themselves should have the same effect as if administered by authorities in England higher than "justice of the peace or notaries public, or any other legal or competent authority of the like nature;" for unless the words, "of the like nature," include those authorities who are empowered to administer oaths by which creditors may sue their debtors, no British consul can administer an oath to a British subject residing abroad, whereupon he might sue his debtor in England; this inconvenience has been experienced and represented.

I have paid strict attention to each and every one of the clauses contained in the 6 Geo. 4, c. 87, and in conformity with the circular instructions from the Foreign Office, I have thus reported upon the effects which their adoption and operation are likely to have within the district of my consulate, stating at the same time my opinion whether it may be be, expedient to adopt any and what measures in further execution of these clauses.

That I did not make this Report at an earlier period, was because I wished to have the benefit of practical experience upon the operation of the various provisions of the Bill, rather than hazard a speculative opinion upon the probable effect of them; and although I am required to state my sentiments only upon what has already been, and not upon what may hereafter be, enacted, yet shall I not, I hope, in transgressing the limits be greatly condemned for briefly adding, that according to my judgment, masters of vessels should, under the Consular Act when amended, or under some other legislative enactment, be enforced to exhibit within a given time after their arrival, and also before their departure, their manifests, together with their muster rolls, in order that both may be signed by the consul; in default of this enforcement the Navigation Laws are eluded, particularly where British vessels clear out from one foreign port to another; in the one case, by having many more men on board than the law permits; and in the other, by having fewer British subjects than the law requires; in both for purposes which it is the evident intention of the Legislature to control.

I have known a British vessel to be navigated with a number of men on board seven times greater than is legal, or that could be required for any legal object; and others with an excess of foreign seamen, at a time when British sailors were out of employ, and obliged to be sent home at the expense of Government.

The Legislature may perhaps see the expediency of granting to His Majesty's consuls abroad authority hereafter to check such proceedings.

— Appendix, Nos. 10 & 11. —

RETURN of the NAMES of BRITISH CONSULS GENERAL, CONSULS and VICE CONSULS, holding Appointments, with their SALARIES and FEES, at the passing of the Act of 6 Geo. IV. c 87, (July 1825), compared with—A similar RETURN at the commencement of the Year 1834.

* *N.B.*—The Fees are given for 1833, because the amount of Fees which will be collected in the current year 1834, cannot be known until the year is over.

STATION.	1825.					1834.					LESS IN 1834.				MORE IN 1834.			
	Office.	Name.	Salary.	Fees.	Total.	Office.	Name.	Salary.	Fees.*	Total.	Office.	Salary.	Fees.	Total.	Office.	Salary.	Fees.	Total.
			£.	£.	£.			£.	£.	£.		£.	£.	£.		£.	£.	£.
Petersburgh	Consul Gen[l]	Sir Daniel Bayley	1,000	62	1,062	Consul	Tho[s] Jn[o] Gisborne	500	17	517	Consul Gen.	500	45	545	—	—	—	—
Archangel	Consul	Thomas L. Jenkins	200	—	200	Consul	Tho[s] Ca[s] Hunt	300	5	305	—	—	—	—	—	100	5	105
Riga	Vice Consul	James M. Cumming	nil	no return.	—	Consul	Robert Hay	300	6	306	—	—	—	—	Consul	300	6	306
Liebau	Consul	Francis Keinitz	nil	17	17	Consul	Francis Keinitz	150	9	159	—	—	8	8	—	150	—	150
Warsaw	—	—	—	—	—	Consul	Charles John Barnett	600	nil	600	—	—	—	—	Consul	600	nil	600
Odessa	Consul Gen[l]	James Yeames	nil	416	416	Consul Gen.	James Yeames	600	257	857	—	—	159	159	—	600	—	600
Taganrog	Vice Consul	William Yeames	nil	179	179	Vice Consul	William Yeames	200	50	250	—	—	129	129	—	200	—	200
Stockholm	Consul	George Foy	400	60	460	Consul	George Foy	200	15	215	—	200	45	245	—	—	—	—
Gottenburgh	Consul Gen[l]	John Robert Wise	1,000	250	1,250	Consul	Henry Tho[s] Liddell	500	18	518	Consul Gen.	500	232	732	—	—	—	—
Christiania	Consul	Charles Durie	600	93	693	Consul	George Mygind	150	27	177	—	450	66	516	—	—	—	—
Bergen	—	—	—	—	—	Consul	John Grieg	200	9	209	—	—	—	—	Consul	200	9	209
Elsinore	Consul	Charles Fenwick	600	8	608	Consul	Fra[s] C. Macgregor	700	23	723	—	—	—	—	—	100	15	115
Copenhagen	Vice Consul	Fairfax Fenwick	nil	no return.	—	Vice Consul	N. A. Fenwick	100	54	154	—	—	—	—	—	100	54	154
Danzig	Consul	Alexander Gibsone	nil	2	2	Consul	Alexander Gibsone	500	12	512	—	—	—	—	—	500	10	510
Konigsberg	Consul	Tho[s] de G. Fonblanque	400	896	1,296	Vice Consul	J. D. Brockmann	60	1	61	Consul	340	895	1,235	—	—	—	—
Pillau	Vice Consul	C. E. Elsasser	nil	69	69	Vice Consul	C. E. Elsasser	50	no return.	50	—	—	69	69	—	50	—	50
Memel	Vice Consul	Henry Fowler	nil	416	416	Vice Consul	Charles Ruppel	60	ditto	60	—	—	416	416	—	60	—	60
Stettin	Consul	F. C. Lutze	500	no return.	500	Vice Consul	J. F. Petersen	50	ditto	50	Consul	450	—	450	—	—	—	—
Hamburgh	Consul Gen[l]	Henry Canning	600	1,370	1,970	Consul Gen.	Henry Canning	1,500	435	1,935	—	—	935	935	—	900	—	900
Ditto	Vice Consul	Cha[s] Wesselhoeft	nil	320	320	Vice Consul	Cha[s] Wesselhoeft	300	nil	300	—	—	320	320	—	300	—	300
Bremen	Vice Consul	G. E. Papendick	nil	97	97	Vice Consul	G. E. Papendick	150	29	179	—	—	68	68	—	150	—	150
Lubeck	Vice Consul	W. H. Behnke	nil	33	33	Vice Consul	W. L. Behnke	150	5	155	—	—	28	28	—	150	—	150
Cuxhaven	Vice Consul	Francis Dutton	nil	no return.	—	Vice Consul	Henry H. Dutton	100	3	103	—	—	—	—	—	100	3	103
Embden	Consul Gen[l]	Richard Rochfort	560	3	563	—	—	—	—	—	Consul Gen.	560	3	563	—	—	—	—
The Hague	Consul Gen[l]	Sir J. Gambier	1,672	500	2,172	—	—	—	—	—	Consul Gen.	1,672	500	2,172	—	—	—	—
Amsterdam	Consul	Robert Melvil	nil	100	100	Consul	Robert Melvill	300	67	367	—	—	33	33	—	300	—	300
Rotterdam	Consul	Alexander Ferrier	nil	420	420	Consul	Alexander Ferrier	450	72	522	—	—	348	348	—	450	—	450

Antwerp	Consul	James Annesley	600	300	900	Consul	Baron de H. Larpent	500	66	566	—	—	100	234	334	—	—	—	—
Ostend	Consul	Lambert Heyland	500	200	700	Consul	G. A. Fauche	300	68	368	—	—	200	132	332	—	—	—	—
Paris	Consul Gen[l]	D. R. Merier	1,672	374	2,046	Consul	Thomas Pickford	100	191	291	Consul Gen.	1,572	—	183	1,755	—	—	—	—
Calais	Consul	S. G. Marshall	740	270	1,010	Consul	S. G. Marshall	400	254	654	—	—	340	16	356	—	—	—	—
Boulogne	Vice Consul	William Hamilton	200	100	300	Consul	William Hamilton	300	222	522	—	—	—	—	—	Consul	100	122	222
Havre	Consul	Archibald Gordon	nil	100	100	Consul	Archibald Gordon	400	110	510	—	—	—	—	—	—	400	10	410
Caen	Consul	William Ogilby	nil	100	100	—	—	—	—	—	Consul	—	—	100	100	—	—	—	—
Nantes	Consul	Sir R. Clayton	nil	70	70	Consul	Henry Newman	300	48	348	—	—	—	22	22	—	300	—	300
Brest	Consul	Anthony Perrier	300	no return.	300	Consul	Anthony Perrier	300	45	345	—	—	—	—	—	—	—	45	45
Charente	Consul	J. Close	nil	277	277	Consul	John Close	300	70	370	—	—	—	207	207	—	300	—	300
Bordeaux	Consul	Harry Scott	300	495	795	Consul	T. B. G. Scott	400	107	507	—	—	—	388	388	—	100	—	100
Bayonne	Vice Consul	J. V. Harvey	nil	29	29	Consul	J. V. Harvey	300	3	303	—	—	—	26	26	Consul	300	—	300
Marseilles	Consul	Alexander Turnbull	nil	236	236	Consul	Alexander Turnbull	600	170	770	—	—	—	66	66	—	600	—	600
Toulon	—	—	—	—	—	ViceConsul	L. E. Jouve	50	nil	50	—	—	—	—	—	ViceConsul	50	nil	50
Corsica	Consul	A. P. Palmedo	200	1	201	Consul	A. P. Palmedo	200	5	205	—	—	—	—	—	—	—	4	4
Madrid	Consul Gen[l]	John Meade	1,672	58	1,730	Consular Assistant	G. A. Alonzo	150	nil	150	Consul Gen.	1,522	58	1,580	—	—	—	—	—
Bilbao	Consul	J. Clark	350	257	607	Consul	J. Clark	350	48	398	—	—	—	209	209	—	—	—	—
Corunna	Consul	R. Bartlett	400	173	573	Consul	J. Crispin	400	9	409	—	—	—	164	164	—	—	—	—
Cadiz	Consul	J. M. Brackenbury	568	766	1,334	Consul	J. M. Brackenbury	500	243	743	—	—	68	523	591	—	—	—	—
San Lucar	Vice Consul	Charles Phillippe	nil	265	265	ViceConsul	Charles Phillippe	200	25	225	—	—	—	240	240	—	200	—	200
Malaga	Consul	William Mark	350	866	1,216	Consul	William Mark	300	126	426	—	—	50	740	790	—	—	—	—
Carthagena	Consul	Charles Chamberlain	260	50	310	Consul	Matthew Carter	400	7	407	—	—	—	43	43	—	140	—	140
Alicante	Consul	Jasper Waring	nil	570	570	Consul	Jasper Waring	300	158	458	—	—	—	412	412	—	300	—	300
Barcelona	Consul	James Annesley	600	200	800	Consul	James Annesley	400	53	453	—	—	200	147	347	—	—	—	—
Mahon	Consul	L. C. Hargrave	352	50	402	Consul	L. C. Hargrave	200	5	205	—	—	152	45	197	—	—	—	—
Teneriffe	Consul	F. C. Macgregor	400	150	550	Consul	Richard Bartlett	500	4	504	—	—	—	146	146	—	100	—	100
St. Jago de Cuba	—	—	—	—	—	Consul	John Hardy	300	16	316	—	—	—	—	—	Consul	300	16	316
Havana	—	—	—	—	—	Consul	C. D. Tolmé	300	no return.	300	—	—	—	—	—	Consul	300	no return.	300
Lisbon	Consul Gen[l]	J. R. Matthews	Fees made up to	1,500	1,500	Consul	—	500	308	500	—	—	—	1,500	1,500	—	500	—	500
Ditto	Vice Consul	Jeremiah Meagher	nil	500	500	ViceConsul	Jeremiah Meagher	300		608	—	—	—	192	192	—	300	—	300
Oporto	Consul	J. Crispin	Fees made up to	700	700	Consul	Thomas S. Sorell	600	89	689	—	—	—	611	611	—	600	—	600
Madeira	Consul Gen[l]	Henry Veitch	700	402	1,102	Consul	Henry Veitch	300	313	613	Consul Gen.	400	89	489	—	—	—	—	—
St. Michael's	Consul Gen[l]	William H. Read	nil	519	519	Consul Gen.	William H. Read	400	268	668	—	—	—	251	251	—	400	—	400
Ditto	Vice Consul	R. C. Kendall	nil	134	134	ViceConsul	R. C. Kendall	100	no return.	100	—	—	—	134	134	—	100	—	100
Fayal	Vice Consul	Henry Walker	nil	68	68	ViceConsul	Henry Walker	100	—	100	—	—	—	68	68	—	100	—	100
Terceira	Vice Consul	H. Alton	nil	97	97	ViceConsul	H. Alton	100	—	100	—	—	—	97	97	—	100	—	100
Cape Verdes	Consul	J. P. Clarke	350	237	587	Act. Consul	William G. Merrill	100	—	100	Consul	250	—	237	487	—	—	—	—
Genoa	Consul	James Sterling	600	773	1,373	Consul	James Sterling	400	257	657	—	—	200	516	716	—	—	—	—
Nice	Consul	Peter La Croix	250	75	325	Consul	Peter La Croix	200	57	257	—	—	50	18	68	—	—	—	—
Cagliari	Consul	George Bomeester	250	50	300	Consul	George Bomeester	250	no return.	250	—	—	—	50	50	—	—	—	—

Appendix Nos. 10 & 11.—RETURN of the NAMES of BRITISH CONSULS GENERAL, CONSULS and VICE CONSULS, holding Appointments, with their SALARIES and FEES, &c.—*continued.*

STATION.	1825.					1834.					LESS IN 1834.				MORE IN 1834.			
	Office.	Name.	Salary.	Fees.	Total.	Office.	Name.	Salary.	Fees.	Total.	Office.	Salary.	Fees.	Total.	Office.	Salary.	Fees.	Total.
			£.	£.	£.			£.	£.	£.		£.	£.	£.		£.	£.	£.
Leghorn	Consul	John Falconar	600	649	1,249	Consul	John Falconar	400	319	719	—	200	330	530	—	—	—	—
Roman States	Consul	John Parke	600	—	600	—	—	—	—	—	—	600	—	600	—	—	—	—
Ancona	Vice Consul	Henry Kane	nil	294	294	ViceConsul	Henry Kane	100	81	181	—	—	213	213	—	100	—	100
Rome	Vice Consul	M. G. Savio	nil	107	107	ViceConsul	John Freeborn	nil	193	193	—	—	—	—	—	—	86	86
Naples	Consul Gen[l]	Sir H. Lushington	1,000	309	1,309	Consul	John Goodwin	300	169	469	ConsulGen.	700	140	840	—	—	—	—
Gallipoli	—	—	—	—	—	ViceConsul	Richard Stevens	100	19	119	—	—	—	—	ViceConsul	100	19	119
Otranto	—	—	—	—	—	ViceConsul	Franc° V. Corchia	25	nil	25	—	—	—	—	ditto	25	nil	25
Sicily	Consul Gen[l]	H. Lindeman	600	810	1,410	—	—	—	—	—	ConsulGen.	600	810	1,410	—	—	—	—
Palermo	Vice Consul	J. Walsh	nil	203	203	ViceConsul	J. Walsh	250	85	335	—	—	118	118	—	250	—	250
Messina	Vice Consul	W. W. Barker	—	634	634	Consul	W. W. Barker	300	388	688	—	—	246	246	Consul	300	—	300
Austrian States	Consul Gen[l]	William T. Money	1,000	nil	1,000	ConsulGen.	William T. Money	1,000	nil	1,000	—	—	—	—	—	—	—	—
Venice	Vice Consul	W. C. Tatam	200	61	261	ViceConsul	W. C. Tatam	100	63	163	—	100	—	100	—	—	2	2
Trieste	Consul	George During	244	447	691	ViceCousul	Henry Bynner	100	232	332	Consul	144	215	359	—	—	—	—
Fiume	Consul	John Leard	400	5	405	ViceConsul	Charles Thomas Hill	50	2	52	Consul	350	3	353	—	—	—	—
Ragusa	Consul	Thomas Turner	200	5	205	Consul	Thomas Turner	200	2	202	—	—	3	3	—	—	—	—
Constantinople	Consul Gen[l]	John Cartwright	1,600	no return.	1,600	ConsulGen.	John Cartwright	1,600	216	1,816	—	—	—	—	—	—	216	216
Ditto	—	—	—	—	—	ViceConsul	A. C. Cumberbatch	300	129	429	—	—	—	—	ViceConsul	300	129	429
Trebizond	—	—	—	—	—	ViceConsul	James Brant	200	7	207	—	—	—	—	ViceConsul	200	7	207
Dardanelles	Vice Consul	Steph° Paulovitz	350	no return.	350	ViceCoasul	C. A. Lander	300	no return.	300	—	50	—	50	—	—	—	—
Salonica	Consul	Francis Charnaud	500	—	500	Act.Consul	John Charnaud	250	—	250	Consul	250	—	250	—	—	—	—
Bucharest	Consul	E. J. Blutte	500	—	500	Consul	E. J. Blutte	500	—	500	—	—	—	—	—	—	—	—
Adrianople	Consul	P. Duveluz	500	—	500	Act.Consul	Charles Blunt	250	—	250	Consul	250	—	250	—	—	—	—
Smyrna	Consul	Francis Werry	800	—	800	Consul	R. W. Brant	800	371	1,171	—	—	—	—	—	—	371	371
Ditto	Vice Consul	N. A. Werry	400	—	400	ViceConsul and Cancellier.	N. A. Werry	500	137	637	—	—	—	—	Cancellier	100	137	237
Ditto	Cancellier	George Boddington	200	—	200	—	—	—	—	—	Cancellier	200	—	200	—	—	—	—
Scio	Vice Consul	J. Guidici	50	—	50	ViceConsul	G. D. Vedova	40	16	56	—	10	—	10	—	—	16	16
Aleppo	Consul	John Barker	500	—	500	—	—	—	—	—	Consul	500	—	500	—	—	—	—
Damascus	—	—	—	—	—	ConsulGen.	J. W. P. Farren	800	no return.	800	—	—	—	—	ConsulGen.	800	—	800
Beyrout	Consul	Peter Abbott	400	—	400	Consul	Peter Abbott	400	—	400	—	—	—	—	—	—	—	—
Scanderoon	Consular Agent.	A. Fornetti	12	—	12	—	—	—	—	—	Consular Agent.	12	no return.	12	—	—	—	—
Cyprus	Vice Consul	A. Vondiziano	45	—	45	ViceConsul	A. Vondiziano	25	—	25	—	20	—	20	—	—	—	—
Candia	Vice Consul	S. Capogrosso	175	—	175	ViceConsul	S. Capogrosso	150	—	150	—	25	—	25	—	—	—	—

Egypt	Agent and Consul Gen[l]	Henry Salt	1,672	- -	1,672	Agent and ConsulGen[l]	Patrick Campbell	1,600	351	1,951	- -	72	- -	72	- -	- -	351	351
Alexandria	Consul	Peter Lee	nil	1,450	1,450	Consul	Robert Thurburn	300	- -	300	- -	- -	1,450	1,450	- -	300	- -	300
Ditto	Cancellier	G. D. Vedova	nil	225	225	ViceConsul and Cancellier.	Charles Sloane	300	- -	300	- -	- -	225	225	ViceConsul	300	- -	300
Cairo	Vice Consul	William Maltass	200	285	485	ViceConsul	Edward Barker	300	136	436	- -	- -	149	149	- -	100	- -	100
Albania	Agent and Consul Gen[l]	W. R. Meyer	1,000	624	1,624	Agent and ConsulGen[l]	W. R. Meyer	1,000	421	1,421	- -	- -	203	203	—	—	—	—
Patras	Consul	P. J. Green	nil	1,383	1,383	Consul	G. W. Crowe	700	74	774	- -	- -	1,309	1,309	- -	700	- -	700
Ditto	Vice Consul	R. L. Green	nil	300	300	- -	- - - -	- -	- -	- -	ViceConsul	nil	300	300	—	—	—	—
Pyrgos	Vice Consul	Ant. Pasqualigo	nil	220	220	ViceConsul	Ant. Pasqualigo	200	no return.	200	- -	- -	220	220	- -	200	- -	200
Syra	- -	- - - -	- -	- -	- -	Consul	Richard Wilkinson	300	29	329	- -	- -	- -	- -	Consul	300	29	329
Napoli	- -	- - - -	- -	- -	- -	ViceConsul	J. D. Griffiths	250	nil	250	- -	- -	- -	- -	ViceConsul	250	- -	250
Washington	Consul Gen[l]	Ant. St. J. Baker	1,672	5	1,677	- -	- - - -	- -	- -	- -	ConsulGen[l]	1,672	5	1,677	—	—	—	—
New York	Consul	James Buchanan	600	443	1,043	Consul	James Buchanan	800	326	1,126	- -	- -	117	117	- -	200	- -	200
Philadelphia	Consul	Gilbert Robertson	750	88	838	Consul	Gilbert Robertson	500	156	656	- -	250	-	250	- -	- -	68	68
Charleston	Consul	Henry Newman	600	334	934	Consul	William Ogilby	500	111	611	- -	100	223	323	—	—	—	—
New Orleans	Consul	George Salkeld	400	368	768	Consul	George Salkeld	500	462	962	- -	- -	- -	- -	- -	100	94	194
Boston	Consul	George Manners	600	123	723	Consul	George Manners	500	156	656	- -	100	- -	100	- -	- -	33	33
Baltimore	Consul	John Crawford	600	61	661	Consul	John Crawford	500	60	560	- -	100	1	101	—	—	—	—
Pensacola	Consul	J. H. Purvis	500	120	620	Consul	James Baker	400	45	445	- -	100	75	175	—	—	—	—
Norfolk	Consul	William Gray	450	272	722	Consul	William Gray	300	107	407	- -	150	165	315	—	—	—	—
Savannah	Vice Consul	J. Wallace	300	500	800	Consul	Edmund Molyneux	300	56	356	- -	- -	444	444	Consul	—	—	—
Portsmouth	Consul	D. Mackintosh	400	14	414	Consul	D. Mackintosh	300	85	385	- -	100	- -	100	- -	- -	71	71
New London	Consul	James Stewart	300	6	306	- -	- - - -	- -	- -	- -	Consul	300	6	306	—	—	—	—
Newport	Consul	J. B. Gilpin	300	54	354	- -	- - - -	- -	- -	- -	Consul	300	54	354	—	—	—	—
Mexico	Consul Gen[l]	Cha[s]. T. O'Gorman	2,500	no return.	2,500	ConsulGen[l]	Cha[s] T. O'Gorman	1,500	nil	1,500	- -	1,000	- -	1,000	—	—	—	—
Xalapa	Consul	Charles Mackenzie	1,000	- -	1,000	- -	- - - -	- -	- -	- -	Consul	1,000	- -	1,000	—	—	—	—
San Blas	Vice Consul	Eustace Barron	500	- -	500	ViceConsul	Eustace Barron	300	- -	300	- -	200	- -	200	—	—	—	—
Vera Cruz	Vice Consul	J. Welsh	300	- -	300	ViceConsu	Francis Giffard	500	47	547	- -	- -	- -	- -	- -	200	47	247
Alverado	Vice Consul	J. Stewart	300	- -	300	- -	- - - -	- -	- -	- -	ViceConsul	300	- -	300	—	—	—	—
Tampico	- -	- - - -	- -	- -	- -	Vice Consul	J. T. Crawford	400	- -	400	- -	- -	- -	- -	ViceConsul	400	- -	400
Port au Prince	- -	- - - -	- -	- -	- -	Consul	G. W. C. Courtenay, R.N.	1,200	50	1,250	- -	- -	- -	- -	Consul	1,200	50	1,250
Ditto	- -	- - - -	- -	- -	- -	ViceConsul	Thomas Ussher	500	- -	500	- -	- -	- -	- -	ViceConsul	500	- -	500
Cape Haitien	- -	- - - -	- -	- -	- -	ViceConsul	Harrison J. Thompson	400	15	415	- -	- -	- -	- -	- -	400	15	415
Guatemala	Consul	J. O. Reilly	1,250	- -	1,250	Consul	Frederick Chatfield	1,200	1	1,201	- -	50	- -	50	- -	- -	1	1
Ditto	Vice Consul	E. H. W. Schenley	700	- -	700	- -	- - - -	- -	- -	- -	ViceConsul	700	- -	700	—	—	—	—
Bogota	Consul Gen[l]	James Henderson	2,500	78	2,578	-	- - - -	- -	- -	- -	ConsulGen[l]	2,500	78	2,578	—	—	—	—
Carthagena	Consul	Edward Watts	1,000	no return.	1,000	Consul	Edward Watts	1,000	- -	1,000	—	—	—	—	—	—	—	—
Maracaybo	Consul	Robert Sutherland	1,000	- -	1,000	ViceConsul	Robert Mackay	300	- -	300	Consul	700	- -	700	—	—	—	—
Caracas	Consul	Sir R. Ker Porter	1,250	- -	1,250	Consul	Sir R. Ker Porter	1,250	6	1,256	- -	- -	- -	- -	- -	- -	6	6
La Guayra	Vice Consul	H. B. Hurry	300	- -	300	- -	- - - -	- -	- -	- -	ViceConsul	300	- -	300	—	—	—	—
Panama	Consul	Malcolm M[c]Gregor	1,000	- -	1,000	Consul	- - - -	1,000	- -	1,000	—	—	—	—	—	—	—	—

Appendix, Nos. 10 & 11.—RETURN of the NAMES of BRITISH CONSULS GENERAL, CONSULS and VICE CONSULS, holding Appointments, with their SALARIES and Fees, &c.—*continued.*

STATION.	1825.					1834.					LESS IN 1834.				MORE IN 1834.			
	Office.	Name.	Salary.	Fees.	Total.	Office.	Name.	Salary.	Fees.	Total.	Office.	Salary.	Fees.	Total.	Office.	Salary.	Fees.	Total.
			£.	£.	£.			£.	£.	£.		£.	£.	£.		£.	£.	£.
Guayaquil	Consul	Henry Wood	1,000	- -	1,000	Consul	Walter Cope	1,000	21	1,021	- -	- -	- -	- -	- -	- -	21	21
St. Martha	Vice Consul	G. A. Fauche	500	- -	500	- -	- - - -	- -	- -	- -	ViceConsul	500	- -	500	—	—	—	—
Puerto Cabello	- -	- - - -	- -	- -	- -	Consul	William Wall	800	21	821	- -	- -	- -	- -	Consul	800	21	821
Rio de Janeiro	Consul Gen[l]	Sir H. Chamberlain	500	3,210	3,710	Consul	Robert Hesketh	300	980	1,280	ConsulGen.	200	2,230	2,430	—	—	—	—
Maceio	Vice Consul	Baldwin Sealy	nil	352	352	ViceConsul	Baldwin Sealy	250	10	260	- -	- -	342	342	- -	250	- -	250
Maranham	Consul	Robert Hesketh	nil	1,247	1,247	Consul	John Moon	300	74	374	- -	- -	1,173	1,173	- -	300	- -	300
Para	ViceConsul	John Hesketh	nil	213	213	ViceConsul	John Hesketh	200	47	247	- -	- -	166	166	- -	200	- -	200
Pernambuco	Consul	John Parkinson	300	2,437	2,737	Consul	Henry Cowper	500	363	863	- -	- -	2,074	2,074	- -	200	- -	200
Bahia	Consul	William Pennell	300	2,401	2,701	Consul	John Parkinson	800	482	1,282	- -	- -	1,919	1,919	- -	500	- -	500
Monte Video	Consul	Thomas S. Hood	1,250	53	1,303	ConsulGen.	Thomas S. Hood	1,000	27	1,027	- -	250	26	276	—	—	—	—
Buenos Ayres	Consul Gen[l]	Woodbine Parish	2,500	571	3,071	Consul	Charles Griffiths	800	315	1,115	ConsulGen	1,700	256	1,956	—	—	—	—
Ditto	ViceConsul	Charles Griffiths	700	nil	700	- -	- - - -	- -	- -	- -	ViceConsul	700	- -	700	—	—	—	—
Ditto	ViceConsul	Richard Poussett	700	nil	700	- -	- - - -	- -	- -	- -	- ditto -	700	- -	700	—	—	—	—
Chili	Consul Gen[l]	R. C. Nugent	2,500	407	2,907	ConsulGen.	Hon. John Walpole	1,600	- -	1,600	- -	900	407	1,307	—	—	—	—
Valparaiso	ViceConsul	John White	700	nil	700	ViceConsul	John White	700	142	842	- -	- -	- -	- -	- -	- -	142	142
Ditto	ViceConsul	Henry Rouse	700	- -	700	- -	- - - -	- -	- -	- -	ViceConsul	700	- -	700	—	—	—	—
Coquimbo	Consul	Matthew Carter	1,000	no return.	1,000	Consul	Charles Chamberlain	1,000	nil	1,000	—	—	—	—	—	—	—	—
Concepcion	- - -	- - - -	- -	- -	- -	Consul	Henry Rouse	900	18	918	- -	- -	- -	- -	Consul	900	18	918
Peru	Consul Gen[l]	C. M. Ricketts	2,500	no return.	2,500	ConsulGen.	Belford H. Wilson	2,000	40	2,040	- -	500	- -	500	- -	- -	40	40
Lima	ViceConsul	P. Kelly	700	- -	700	ViceConsul	Timothy S. Sealy	700	nil	700	—	—	—	—	—	—	—	—
Ditto	Vice Consul	R. J. Willimott	700	- -	700	- -	- - - -	- -	- -	- -	ViceConsul	700	- -	700	—	—	—	—
Arequipa	Consul	Udny Passmore	1,000	- -	1,000	Consul	Udny Passmore	1,000	21	1,021	- -	- -	- -	- -	- -	- -	21	21
Sandwich Islands	Consul	Richard Charlton	200	- -	200	Consul	Richard Charlton	200	- -	200	—	—	—	—	—	—	—	—
		£.	71,716	37,691	109,407		£.	62,460	12,143	74,603		30,631	27,858	58,489		21,375	2,310	23,685
											Deduct *more* in 1834	21,375	2,310	23,685				
											Diminution in 1834	9,256	25,548	34,804				

Note.—Independently of the above List of Consuls, there are about 240 Vice Consular Agents who receive no Salary from His Majesty's Government, and who act under the Consuls within whose Districts they respectively reside. A List of those Vice Consular Agents was printed by Order of the House of Commons on the 16th of August 1833.

Foreign Office,
June 1834.

Amount of Salaries in 1825		£. 71,716
Ditto - - - - 1834		62,460
Less in 1834		£. 9,256
Amount of Fees in - 1825	£. 37,691	
Ditto - - - - 1834	12,143	
Less in 1834		£. 25,548
Diminution in 1834 as compared with 1825		£. 34,804

RETURN of all Consular Situations, under the Foreign Department, Created or Abolished, in the New States of *America*, and in *Europe* and *North America*, &c. since the 1st Jan. 1822.

	CONSULAR OFFICES CREATED IN THE NEW STATES OF AMERICA.	ANNUAL SALARY.
		£.
1823 -	Consul General in Mexico	2,500
	Consul at Vera Cruz and Xalapa	1,000
	Consul at Acapulco	1,000
	Consul General in Colombia	2,500
	Consul at Maracaybo	1,000
	Consul at Caracas	1,000
	Consul at Panama	1,000
	Consul at Carthagena	1,000
	Consul General at Buenos Ayres	2,000
	Vice Consul at - - ditto	700
	Vice Consul at - - ditto	700
	Consul at Monte Video	1,000
	Consul General in Chili	2,000
	Vice Consul in - ditto	700
	Vice Consul in - ditto	700
	Consul General in Peru	2,000
	Vice Consul in - ditto	700
	Vice Consul in - ditto	700
1825 -	Vice Consul at Alvarado	300
	Vice Consul at San Blas	500
	Consul at Guayaquil	1,000
	Vice Consul at Puerto Cabello	800
	Consul at Coquimbo	1,000
	Consul at Arequipa	1,000
	Consul at Guatemala	1,250
	Vice Consul at ditto	700
1826 -	Consul General in Haiti	1,500
	Vice Consul at Port au Prince	500
	Vice Consul at Cape Haitien	400
	Vice Consul at Tampico	500
1827 -	Consul at Concepcion	1,000
	Vice Consul at Vera Cruz	500
1832 -	Vice Consul at Maracaybo	300
	Consul at Buenos Ayres	800
	34 Offices created - - - £.	34,250

	CONSULAR OFFICES ABOLISHED IN THE NEW STATES OF AMERICA.	ANNUAL SALARY.
		£.
1824 -	Consul at Acapulco	1,000
1825 -	Vice Consul in Chili	700
1826 -	Vice Consul at Alvarado	300
1827 -	Vice Consul in Chili	700
1828 -	Consul at Xalapa	1,500
	Vice Consul at Buenos Ayres	700
1829 -	Vice Consul at Guatemala	700
1831 -	Consul General in Colombia	2,000
1832 -	Consul at Maracaybo	1,250
	Consul General at Buenos Ayres	2,500
	Vice Consul at - - ditto	700
	Vice Consul at Lima	700
	12 Offices abolished - - - £.	12,750

Appendix, No. 12.—RETURN of all Consular Situations, under the Foreign Department, created or abolished, &c.—*continued.*

	CONSULAR OFFICES CREATED IN EUROPE, NORTH AMERICA. &c.	ANNUAL SALARY.
		£.
1824 -	Consul at Pensacola	500
	Consul at Brest	300
1826 -	Consul at Gottenburgh	500
	Consul at Memel	500
	Consul at Wilmington	500
1828 -	Vice Consul at Napoli (in Greece)	250
1829 -	Consul in the Morea	700
1830 -	Vice Consul at Constantinople	300
	Vice Consul at Trebizonde	250
	Consul General in Syria	800
1831 -	Vice Consul at Fiume	50
1832 -	Consul at St. Petersburgh	500
	Vice Consul at Königsberg	60
	Vice Consul at Memel	60
	Consular Registrary at Paris	100
	Consular Assistant at Madrid	150
	Consul at Madeira	300
	Vice Consul at Ancona	100
	Consul at Naples	300
	Vice Consul at Trieste	100
	Consul at Rio de Janeiro	300
	Consul at St. Jago de Cuba	300
1833 -	Consul at Warsaw	600
	Consul at Syra	300
	Consul at the Havana	300
	25 Offices created - - £.	8,120

	CONSULAR OFFICES ABOLISHED IN EUROPE, NORTH AMERICA, &c.	ANNUAL SALARY.
		£.
1823 -	Consul in Iceland	300
1825 -	Consul General at Gottenburgh	1,000
	Consul General in Holland	2,172
	Consul at Embden	560
	Consul at Stettin	500
	Consul at Aleppo	500
1829 -	Consul General in Madeira	800
1830 -	Consul General in Sicily	800
	Consul at Fiume	400
1832 -	Consul General in Russia	1,000
	Consul in East Prussia	700
	Consul at Memel	500
	Consul General in France	1,600
	Consul at Caen	400
	Consul General at Madrid	1,600
	Vice Consul at Madeira	300
	Consul at Cape Verdes	400
	Consul in the Roman States	600
	Consul General at Naples	1,200
	Vice Consul at Naples	300
	Consul at Trieste	500
	Consul General in the United States	1,600
	Consul at Wilmington	500
	Consul at New London	300
	Consul at Newport	300
	Consul General in Brazil	1,500
	26 Offices abolished - - - £.	20,332

— Appendix, No. 13. —

Appendix, No. 13.
Pensions, &c. for Consular Service.

RETURN of the PENSIONS, ALLOWANCES or EMOLUMENTS, granted to Individuals whose (Consular) Situations have been abolished, with the Length of Consular Service of each respectively.

NAME.	PENSION, ALLOWANCE, or EMOLUMENT.	NAME OF OFFICE ABOLISHED.	LENGTH of SERVICE.
	£.		
Sir James Gambier - -	1,200 per annum	Consul General in the Netherlands -	23 years.
John R. Wise - - -	500 „	Consul General in Sweden - -	12 years.
A. St. John Baker - -	800 „	Consul General in the United States	24 years.
Sir Daniel Bayley - -	500 „	Consul General in Russia - -	20 years.
Honourable John Meade -	660 „	Consul General in Spain - -	16 years.
Sir Henry Lushington - -	500 „	Consul General in the two Sicilies -	17 years.
John Parke - - - -	300 „	Consul in the Roman States - -	22 years.
Woodbine Parish, jun. - -	1,000 „	Consul General at Buenos Ayres -	20 years.
William Pennell - - -	625 „	Consul General in Brazil - -	18 years.
James Stewart - - -	150 „	Consul at New London - - -	20 years.
John Gilpin - - -	200 „	Consul at Newport - - -	30 years.
George During - - -	250 „	Consul at Trieste - - - -	18 years.
John Robert Matthews - -	500 „	Consul General in Portugal - -	15 years.
Thomas de Grenier Fonblanque	230 „	Consul in East Prussia - - -	16 years.
David R. Morier* - -	1,000 „	Consul General in France - -	28 years.
£.	8,415		
Charles J. Peshall - -	- - Gratuity of a year and half's Salary.	Consul at Wilmington - - -	5 years.

* Mr. Morier's Allowance is suspended, he having been subsequently appointed His Majesty's Minister in Switzerland.

Foreign Office,
June 1834.

—Appendix, No. 14.—

Appendix, No. 14.

Suggestions for an alteration of the Consular System

SUGGESTIONS which have been received at the Foreign Office, for an Alteration of the present Consular System.

(1.)—From Consul-general *Morier;* with one Enclosure.

Sir, Paris, 14 November 1828.

IN reference to the question as to the competency of vice-consuls to act in the name of consuls appointed by His Majesty, allow me to trouble you with a few remarks suggested by the tenor of a legal document presented at my office since my return to Paris. I allude to a formal requisition directed to me by the Ecclesiastical Court at Doctor's Commons, for the due execution of letters of administration to a will, of which the preamble was as follows:—"William, by Divine Providence Archbishop of Canterbury, Primate of all England and Metropolitan, to our well-beloved in Christ, His Britannic Majesty's consul-general in the kingdom of France, his vice-consul, or other competent judge, greeting, &c."

The above preamble is, in form, the same as all similar requisitions which have been acted upon by me or my deputy, as well since as before the Consular Act of Parliament, 6 Geo. 4, c. 87, and I presume that no better proof need be adduced of the admitted competency of vice-consuls, at least in the matter to which the archbishop's requisition relates, for it will surely be allowed that the admission of such competency comes from a high legal authority. Now, as it does not appear that the competency of vice-consuls in this particular matter, rests upon a special Act of Parliament, but only "on the general effect of legal construction," it may be inferred that in other matters also, it still continues to rest upon the same grounds it did previously to the enactment of the statute above quoted.

That the general tenor of that statute was not considered as affecting or altering in any degree the official character of vice-consuls, such as it had been till then understood, seems evident from the following:—

"Should vice-consuls be required to administer oaths, in other cases than those prescribed by Act of Parliament, *in the same manner as they may heretofore have done, the practice must be understood to stand on the general effect of legal construction, independent of any instructions from this department,* except that whenever affidavits are taken by vice-consuls, greater fees are not to be received than those allowed to consuls-general and consuls by the Act."

It is, that the clause (20.) which empowers His Majesty's consuls-general and consuls abroad generally, to administer oaths, &c. as notaries, does not give such authority to vice-consuls: but the passage above quoted in italics, shows that the clause (20.) does not take away from them such authority as they heretofore possessed and exercised, "on the grounds of the general effect of legal construction;" in fact, by attending to the legal construction of the said clause, in connection with the rest of the Act, and with the tenor of the general instructions issued from the Foreign Department to His Majesty's consular agents, its object evidently appears to be, not to detract from the acts of vice-consuls the validity which had been hitherto attributed to them under the sanction of those instructions, but to strengthen generally, by an express legislative sanction, the validity of consular acts, which they had hitherto only partially derived from long established usage.

This construction of the clause (20.) appears to be further confirmed by reference to clause 5, of the same Act, in which mention is made of the consul's deputy, as of a person whose legal character is acknowledged and taken for granted; by the special provisions of the Acts of Parliament in which mention is also made of vice-consuls on the same legal footing with that of their principals; by the general consideration of its being the peculiar prerogative of the Government to define the duties and competency of all its foreign agents of every degree; and lastly, by the necessity of the case, which is such that the consular service could not be carried on, under the present system, without the assistance of subordinate agents authorized to act in case of need, for the consuls.

I have taken the liberty to inclose a copy of the 20th paragraph of the Act 6 Geo. 4, c. 87, wherein is inserted in italics, within brackets, the addition of a few words which I submit to consideration as the simplest mode of removing all doubt and difficulty on the question of the competency of vice-consuls, in case of the revision, hereafter, of the above statute.

I am, &c.

(signed) *D. R. Morier.*

(Enclosure in No. 1.)

Proposed Amendment to the Act 6 Geo. 4, c. 87.

20th Paragraph.—And whereas it is expedient that every consul-general or consul appointed by His Majesty at any foreign port or place should in all cases have the power of administering an oath or affirmation whenever the same shall be required, and should also have power to do all such notarial acts as a notary public may do; be it therefore enacted, that from and after the passing of this Act, it shall and may be lawful for any and every

every consul-general or consul appointed by His Majesty at any foreign port or place, whenever he shall be thereto required, and whenever he shall see necessary, to administer at such foreign port or place [*either by himself, or if need be by his deputy, duly appointed thereunto under the express authority and with the approbation of His Majesty's principal Secretary of State for Foreign Affairs,*] any oath, to take any affidavit or affirmation from any person or persons whomsoever, and also to do and perform at such foreign port or place [*either by himself or by his deputy aforesaid*] all and every notarial acts and act which any notary public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such oath, affidavit or affirmation, and every such notarial act, administered, sworn, affirmed, had or done by or before such consul-general or consul, [*or by or before such deputy aforesaid,*] shall be as good, valid and effectual, and shall be of like force and effect, to all intents and purposes, as if any such oath, affidavit or affirmation, or notarial act respectively, had been administered, sworn, affirmed, had or done, before any justice of the peace or notary public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature."

(2.)—From Consul-general *Morier.*

The expediency of selecting the consuls from among the resident British merchants of the ports and places, where their services are deemed necessary, with no remuneration, except from casual fees, has been contended for. To judge how far it may be desirable to substitute such a system generally in the room of the one in existence, established by the Act of Parliament 6 Geo. 4, c. 87, it is unnecessary to bear in mind that, in many of the consular stations, the services required of the consuls have a reference not less to the public interests of the Government than to the private interests of individuals. With respect to the first branch of service, the consuls are occasionally required to provide the means of conveying public despatch of importance in safety; to supply the ambassador, sometimes the Government itself directly with political information in particular emergencies, to report on the state of the neighbouring naval arsenals and naval movements, to provide supplies for His Majesty's ships of war, and attend generally to everything relating to the British naval service in foreign ports, on which topic the consuls keep up a distinct correspondence with the Navy Board; to watch the progress and give information respecting the state of the slave trade; to communicate information generally interesting to the trade and navigation of the country.

Under the second branch, the duty of consuls includes generally, protection and assistance to His Majesty's subjects, traders, seamen and others, in their transactions with the natives and local authorities, comprehending a number of kind offices which private individuals so frequently stand in need of in a foreign country, and which, on many occasions, can be effectually performed only by some one who having, from his official situation, access to the public authorities of the country.

That individuals may be found among the British merchants resident in foreign ports, fully competent to the performance of all the duties above enumerated, is very probable; and it is possible that such may sometimes be willing to undertake the task gratuitously, in the expectation of deriving advantages in their commercial pursuits from the local credit and influence which the office of consul is supposed to confer. But the objections to the proposed system of confining the choice of His Majesty's Government entirely to the class of resident merchants, without salary, are too many and obvious not to deserve some consideration, before coming to the decision of adopting it to the exclusion altogether of the one actually in existence.

First of all, it is evident that the unpaid merchant-consul is no further dependent upon and under the control of the Government, than as it may suit his own convenience, and consequently that no reliance can be placed upon his zeal and activity in the public service, whenever his private interest as a merchant come into competition with his official duty as a consul. The same circumstance also affects the relations he stands in towards the local authorities. In his capacity of merchant he may and generally does derive advantage from the title of consul, but in that of consul his official consideration is not a little impaired by his occupation of merchant, on all occasions touching the public service of his Government, or whenever it may be surmised that his own private trading interests are involved in the discussion of his consular business.

And were all objections waived by the Government itself, yet the class for whose special benefits consuls are professedly appointed, will ever be found forward in raising them. Experience has proved that the merchants and shipowners are apt to look with jealousy on one of themselves, who may be invested with official authority in those matters where their commercial interests are likely to clash, particularly if his emoluments are derived from fees, however trifling, levied upon trade or shipping. A reference to the consular correspondence, previously to the establishment of the present system, would no doubt furnish an abundant catalogue of complaints on this head.

To the above objections may be also added the fact, that the public service of the Government sometimes requires the presence of a trustworthy responsible agent in places not only where no British merchants are established, but where there is little or no direct trade with England.

Such is the case at Brest, where Mr. Perrier has been the means of saving much British

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property by the control his official situation has enabled him to exert in cases of shipwreck, which frequently occur in that dangerous coast in winter.

Previous to his appointment, an unpaid French merchant held the office of vice-consul, whose correspondence was made up of complaints of the gratuitous trouble he was put to in forwarding shipwrecked seamen to England.

At Marseilles, the public service of the Government renders the residence of a responsible agent equally necessary, to be the channel of communication with the naval commanders in the Mediterranean. During the first years of Mr. Turnbull's consular service, he carried on a house of trade, receiving no salary, but collecting fees according to the then tariff. He was on the point of giving up the office of consul, from the very inadequate remuneration it afforded him, when the establishment of the existing system conferred on him his present salary, and secured to the Government the services of a most upright, assiduous and intelligent public servant.

Calais, Boulogne-sur-Mer and Bayonne, as being stations for superintending and facilitating the transmission of Government despatches, may also be adduced as instances to prove the necessity of having paid responsible agents in places where a special public service is to be carried on, independently of all other general objects.

The above remarks may be sufficient to show that the substitution of unpaid merchants for paid consuls not being practicable without detriment to the public service, at the places where His Majesty's Government requires the performance of a specific duty, cannot be admitted as a general principle of universal application to the consular service. They lead to the practical conclusion, that the nature of each consular appointment is best determined by considerations arising out of the local circumstances of the particular district where the consul is appointed.

Paris, 20 January 1831.

(3.)—From Consul *Veitch*; with one Enclosure.

My Lord, London, 30 December 1828.

I VENTURE to submit to your Lordship a plan, which, while combining the advantages contemplated by the late regulations respecting the consular service, would at the same time reduce two-thirds of the expense of the consular establishment.

Formerly consuls derived their income exclusively from the shipping of the country, and considering the various sources from which the consular duties arise, this was generally allowed to be hard and unjust; while, on the other hand, it was conceived that consuls so paid and regulated, could not possess sufficient independence and respectability for the great commercial interests they had to represent and protect; but now that consuls are wholly paid by the Government, it seems as universally regarded as an onerous and uncalled for burthen on the country, and it is for this reason that I have ventured to submit a plan, which I conceive calculated to attain the object proposed, but I have not troubled your Lordship with a detail of the many reasons and arguments that could be adduced to show the advantages and practicability of the measure, though I should be happy to do so should they be considered worthy your Lordship's notice; and I have only to hope, that should this communication not prove acceptable, that your Lordship will have the kindness to excuse the liberty I have taken.

I have, &c.

(signed) *Henry Veitch*,
His Majesty's Consul at Madeira.

The Right Hon. the Earl of Aberdeen,
&c. &c. &c.

(Enclosure in No. 3.)

PLAN for the Regulation and Payment of Consuls' Salaries.

THE duties of consuls may be reckoned threefold; viz.:—

1st. Their duties in the service of His Majesty's Government, and for the benefit of the general interests of the country.

2d. Their duties for the peculiar service of the shipping in foreign ports.

3d. Their duties for the benefit and protection (by far the most arduous and irksome that a consul has to perform) of the persons, interests, institutions and privileges of the British merchants resident abroad.

And from these distinct interests, I conceive, the consuls' salaries ought proportionably to be derived; viz:—

1st. The Government to allow such a portion as in its wisdom and judgment, and from the nature of the circumstances, it might deem expedient.

2d. The shipping to pay for its portion by a small but well regulated consulage; not however as formerly, when the consulages were too high and had only custom for their authority, and different, perhaps, at every port the ship went to. And,

3d. The British residents abroad to pay for their portion from a fund to be permitted them

them to be raised by a per-centage on exports, on the footing of the funds raised (until abolished by the late regulations) by the merchants in the Portuguese dominions, Cadiz, Brazil, &c.; and this fund made applicable, also, to the farther useful and pious and charitable purposes provided for by the Acts lately repealed, and by which so large an additional expense has been brought on the country.

The shipping interests could, it is conceived, have no just cause of objection to this arrangement, as it could be satisfactorily demonstrated that the shipping would be much benefited by the payment of a small and well regulated consulage, in recompense for the essential services to be rendered them as formerly, and which, by the present institution of consuls, they are not bound to attend to, and have no interest in performing.

The merchants resident abroad would no doubt be equally willing to accede to the measure, in order to be able to raise, at the same time, a fund for so many useful and desirable purposes, the abolition of which in the Portuguese dominions has been so greatly lamented.

By this arrangement Government would be eased of the payment of two thirds of the expense of the consular establishment, besides the contingent future and increasing expense of the church establishment, distressed British subjects abroad, &c.

If, however, it were deemed expedient to new-model this establishment, there are several other matters that I conceive might be usefully introduced into a new Act of Parliament, of much importance to British interests abroad, as well as to consuls for the due execution of their duties.

(signed) *Henry Veitch.*

London, 30 December 1828.

(4.)—From Consul *Macgregor;* with one Enclosure.

Sir, Elsinore, 25 August 1830.

At the present moment, when a change in the consular system appears to be in contemplation, the following report upon the proper mode of remunerating consuls may perhaps be of some interest, if accompanied by such observations as 15 years' experience in the service and repeated inquiries into the matter may enable me to make.

Considering that the station in life of a consul requires that he should associate rather with the higher than with the lower orders of society, he ought to be well rewarded for his services. This has almost generally been done since the year 1825, by granting them liberal salaries. But in case it were deemed expedient to discontinue that system, what would be the most proper mode of remunerating them? Before entering into the question, I must declare that I am no advocate for appointing merchants to be consuls, as their profession often proves incompatible with their official duties. Moreover, cases must occur where they are both judge and party; and I have had frequent opportunities to observe that even they do not enjoy the same public consideration as a consul sent out by his Government, and whose situation renders him perfectly independent. For these reasons I incline in favour of consuls not in business to be appointed for the principal ports; although in the smaller places of trade consuls and vice-consuls might be selected amongst the British merchants resident there, who will be the more eager for these situations if fees of office are granted them adequate to their loss of time and their trouble. Therefore, and considering the services of consuls as beneficial to the public in general as to navigation and trade, I am of opinion that they should be rewarded partly by a salary from Government and partly by fees contributed by the merchant and shipowner, as is done in most other countries. For that purpose I should suggest to make it lawful for them henceforth to levy certain fees, under the name of "consulage," upon the tonnage of British shipping; and, where it can conveniently be done, to reduce their salaries in proportion to the greater or smaller number of vessels frequenting their respective ports. Where, however, for particular reasons, the reduction of the salary of any consul appointed under the late Act should not be deemed proper, the payment of the whole might for the present be continued, under the condition of his equally levying the consulage in his district, but accounting to Government for the proceeds, after deduction of a commission for his additional trouble. The fund so collected might be applied towards diminishing the expense of the consular establishment, till the introduction of the proposed mode of remuneration has become general. My reasons for recommending it are the following:

1. The consul's independence is thereby sufficiently secured, as he derives his support from a salary, for the reduction of which he is compensated by a consulage upon the shipping; in whose increase or decline he will take a greater interest than by being rendered entirely independent of the same.

2. His income being materially affected by any decrease in the shipping, he will watch its fluctuations with greater solicitude, inquire more minutely into the causes of its decline, and, as far as he is able, recommend to Government such measures as may tend to restore it to its former importance.

3. Deriving a considerable part of his emoluments from the owners and masters of vessels, the consul will be the more induced to befriend them, to attend to their complaints, and to seek redress for their grievances.

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Suggestions for an alteration of the Consular System.

So much for the consuls: but the question now is, if it would be advisable to increase the burthen on British shipping by imposing consulage upon them at a time when the system of reciprocity established by the late treaties of commerce renders it necessary that British ships should be fully able to enter into competition with those of other nations? I have to state, in reply, that the ships of Denmark, Sweden, Holland and Prussia all pay consulage; and, provided it be fixed on a moderate scale, it will be far from interfering in the least with the interests of the British shipowners. But, on establishing the same, three material points ought to be considered:

1st. The freight which should form the basis for imposing consulage;

2d. The distance vessels arrive from, by which the comparative amount of freight is determined; and,

3d. The burthen of vessels.

Consequently such consulage should be levied upon the tonnage of ships at a rate in proportion to the length of the voyage performed; and only on vessels either arriving or sailing with a cargo; whereas they ought to be exempt from every charge in all cases where no freight has been earned inwards or outwards. In order to afford you a short and easy review of the manner in which consuls are provided for by the governments of other nations, I transmit to you annexed a Schedule, formed from the different tariffs, of the perquisites allowed them, together with copies of such tariffs; which perhaps may guide His Majesty's Ministers in their deliberations upon the propriety of introducing a similar mode of remuneration in the British consular establishment. I have some reason to believe that the following project of a tariff, founded upon the principles above alluded to, if properly modified according to circumstances, would answer the principal objects desired, namely, an immediate saving to Government of nearly one half of the salaries paid to the consuls, and a compensation to them for the loss sustained, without proving in the least burdensome to the shipping. I recommended a similar plan about 12 years ago to the late Mr. Mellish, when consul-general in the Hanse Towns, who adopted the same in consequence; and it was acted upon both at Hamburgh and Bremen till the year 1835, although the rate had been fixed 1 *d.* sterling per ton higher than that laid down in the tables which I now submit to your consideration.

I.—Project of a Tariff of Consulage for the Ports situated on the line of coast extending from Cadiz on the Atlantic, to Archangel in the White Sea, including those of the Baltic:

	s.	*d.*
Consulage on vessels arriving from England or any port in Europe, excepting the Mediterranean, per ton register	–	2
Arriving from all ports within the Straits of Gibraltar	–	2½
Arriving from all those without the Straits, and not in Europe	–	3

II.—For the Ports within the Straits of Gibraltar:

Consulage on vessels arriving from Portugal and Spain, and from any port within the Straits	–	2
Arriving from Great Britain, and from all other ports of Europe, those of Portugal and Spain excepted	–	2½
Arriving from America and the West Indies, and from any other port without Europe, not included in the above	–	3

III.—For the Ports in the West African Islands:

Consulage on vessels arriving from any port whatever, either loading or discharging a cargo	–	3

IV.—For the Ports of the United States of America:

Consulage on vessels arriving from any port of the country in which the consul resides	–	2
Arriving from ports in the West Indies and South America, excepting those on the Pacific	–	2½
Arriving from Europe, from the ports of the Pacific, and from all other countries not included in the above	–	3

V.—For the Ports of South America on the Gulf of Mexico and the Atlantic Ocean*:

Consulage on vessels arriving from any port of the country in which the consul is resident	–	2

Arriving

* According to the preceding tariff, a ship of the burthen of 150 tons, arriving at the port of Bahia, from Rio Janeiro, would pay 1 *l.* 5 *s.*; if from Boston (A.), or from Lima, 1 *l.* 11 *s.* 3 *d.*; and if from London, or any port of Europe, 1 *l.* 17 *s.* 6 *d.*, which would not exceed ½ to ⅓ per cent. upon the freight.

	s.	d.
Arriving from the United States, the West Indies, or any port of South America not on the Pacific	–	2
Arriving from ports of Europe, from those of South America on the Pacific, and from all other ports situated in countries not included in the above	–	3

VI.—From the Ports of South America on the Pacific Ocean:

Consulage on vessels arriving from a port of the country in which the consul is resident	–	2
Arriving from any other port of America on the Pacific	–	2½
Arriving from Europe, from the ports of America on the Atlantic, and from any other port to the eastward of the same	–	3

Remarks.—The above consulage to be payable only on ships arriving or departing with a cargo, but those that come and sail in ballast or enter a port from stress of weather, to be exempt from every charge whatever. Calling at any port for water or refreshments, they are not to be subject to consulage, but merely to the customary fee of, I believe, two or three dollars per ship. Where ships are bound to, or discharge their cargo at two or more ports, where British consuls are resident, then each consul shall only have a right to claim his proportion to the consulage.

With regard to the port of Elsinore, it being only a port of clearance, and not of trade, the imposing a consulage upon the tonnage would not be recommendable, on account of the small freights that are made in the Baltic trade, but in lieu thereof a moderate fee on each vessel might be imposed, in imitation of other Governments, as you will observe from the different rates contained in the schedule above referred to. I should propose a fee of five shillings sterling on each vessel passing the Sound with a cargo, the produce of which, on reducing my salary to one half, would eventually not only leave a sufficient sum to cover the deficiency, but also to defray the expense of the vice-consul at Copenhagen, who receives 150*l.* sterling a year, so that according to the plan above laid down alone in the consulship of Elsinore, an annual saving of 450*l.* sterling to Government could be effected, without the least detriment to the shipping.

I have, &c.

(signed) *Francis C. Macgregor.*

(Enclosure in No. 4.)

SCHEDULE, showing in what manner the Consuls of the principal Trading Nations in *Europe* (excepting *England*) are remunerated for their Services by their respective Governments.

NAME of COUNTRY by whom adopted.	IN THE PRINCIPAL PORTS OF TRADE.		AT ELSINORE.	
	If by Salary.	If, and what Fees are allowed them.	If by Salary.	What Fees are allowed there.
Denmark	No salary, but permission to carry on trade, except in the States of Barbary.	On Ships; at the rate of 2*d.* per ton, besides incidental fees. On Trade: 5*s.* to 10*s.* sterling for consular signature.	None	None.
France	By salary of 500*l.*, —more or less, but without permission to trade.	On Ships: various, amounting to 1*l.* to 2*l.* per ship. On Trade: from 4*s.* to 16*s.* sterling for signature, according to nature of document.	By salary of 500*l.* sterling per annum.	10*s.* sterling on each vessel passing the Sound.
Holland	No salary, but permission to trade, except in the Barbary States.	On Ships: at the rate of 1¼*d.* per ton, besides a charge for other documents required. On Trade; from 5*s.* to 10*s.* sterling per signature.	No salary	1*s.* 8*d.* sterling on each vessel passing the Sound.
Prussia	No salary is paid, and merchants employed, except at Elsinore.	On Ships: at the rate of ¾*d.* per ton. On Trade: 5*s.* sterling for each signature.	The salary of a Conseiller de Régence.	3*s.* sterling on each vessel passing the Sound.
Russia	By salary, without permission to carry on trade.	On Ships: at the rate of 1*l.* 6*s.* sterling per vessel. On Trade: from 3*s.* 6*d.* to 10*s.* per signature, according to nature of document.	A salary	17*s.* 8*d.* sterling on each vessel passing the Sound.
Sweden	No salary, but permission to do business.	On Swedish Ships: variable at any port, and from 1*l.* to 4*l.*; those of Norway, 6 Norway specie, or 6*d.* sterling per ton. Trade: from 3*s.* 4*d.* to 15*s.* for each signature.	A small salary, besides a free house at Elsinore.	3*s.* 9*d.* for each Swedish vessel, & ½*d.* sterling per ton for each Norwegian vessel passing the Sound.

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FRANCE.

TARIF des Droits d'Emoluments proposés par le Consul de *France*, à *Elseneur*, pour la Chancellerie, du dit Consulat, en conformité de l'Ordonnance du Roi, du 8 Août 1814.

	QUALIFICATION DES ACTES.	DROITS. En Argent de France.		DROITS. En Argent d'Angleterre.	
		f.	*c.*	*s.*	*d.*
Consular Fees on shipping, £. 2. 1. 7½. per vessel.	1. Patente de santé d'un batiment Français - - -	5	0	4	2
	2. Manifeste de chargement d'un navire - - -	12	0	10	–
	3. Consulat fait par un capitaine à ton arrivée - -	15	20	12	8
	4. Autorisation et verification des comptes d'un captaine pour les salaires de l'equipage - - - - -	5	70	4	9½
	5. Pour visa et expédition des papiers à bord - -	12	0	10	–
Consular Fees on trade in general.	6. Contrat de mariage, testament, donation, transaction, émancipation, ouverture d'un testament et pour tous autres actes - - - - - - -	15	20	12	8
	7. Apposition des scellés dans une maison où magasin -	4	30	3	7
	8. Acte portant quittance, attestation, procuration, &c.	15	20	12	8
	9. Police d'assurance - - - - - - - -	5	7	4	9½
	10. Passeport - - - - - - - - -	10	0	8	4
	11. Certificate de vie - - - - - - - -	2	0	1	8
	12. Legalisation d'une signature - - - - - -	2	0	1	8
	13. Decharge d'un acquit à caution - - - - -	2	0	1	8
	14. Expédition d'un acte de l'état civil - - - -	5	20	4	4
	15. Acte de protest d'une lettre de change - - -	9	0	7	6
	16. Acte de cession ou transport ou autre semblable -	5	70	4	9½
	17. Averation de pieces avec enregistrement, ante de societé et dissolution de societé, aute d'affrêtement d'un catimait, assignations, significations, et autres exploits - - - - - - - - -	5	70	4	9½
	18. Requête et exploit de saiseé fait in conséquence -	20	0	16	8
	19. Information et enquête - - - - - - -	5	70	4	9½
	20. Déposition de chaquetemoin - - - - - -	3	0	2	6
	21. Enregistrement d'un certificat and autre piéces -	5	70	4	9½
	21. Toute expédition fait par le chancellier, chaque page	0	60	–	6

Observations.—Les consuls étrangers établis à Elseneur et a Copenhague ne reçoivent jamais d'actes. Les parties les fout passer par devant le notaire du pays, et ils legalisent seulement la signature du notaire, sur les expéditions qu'il delivre. Ils légalisent aussi toute signature des autorités du pays. Ils perçoivent pour cette légalisation, savoir ; le consul d'Angleterre, une Guineé*; le consul d'Espagne, trois piastres fortes ; le consul d'Hollande, quatre florins ; le consul de Prusse, deux ecus de Prusse ; le consul de Suède, deux ecus de Suède ; et le consul de Portugal, une piastre forte et demi.

Elseneur, le 24 Avril 1818. Le Consul de France,

Approuvé par Sa Majesté. (signé) *Mure.*

* Hélas, le bon vieux temps.

PRUSSIA.

THE "Reglement pour tous les Consuls-généraux, Consuls et Vice-Consuls de Prusse," published by that government in 1796, fixes the rate of consulage on shipping as follows :—

Consular Fee on Shipping 1½*d.* sterling per last of 4,000 lb.

1. On vessels arriving at any port where there is a Prussian consul, except in the Baltic, 1 groschen current equal to 1½ *d.* stg. per last of 4,000 lbs. say 1½ *d.*
2. On vessels arriving at the ports of the Baltic, 1 dollar Berlin current per ship, which is equal to - - - - - - - - - 3*s.* stg.
3. On vessels passing the sound at Elsinore, ⅓ dol. Berlin current, equal to 1*s.* stg.

Consular Fees on trade in general, 4*s.* 6*d.* for each signature.

The said "Reglement" does not contain any tariff of other fees to be levied by the consuls, but leaves it to their own discretion to make a charge for such documents as are granted by them in their official capacity, in consequence of which, they generally charge a dollar, or 4*s.* 6*d.* sterling for their signature.

HOLLAND.

TARIFF d' après lequel les Consuls des *Pays-bas* dans les Ports et Villes de commerce dans l' etranger pourront percevoir des Droits du Consulat.

—	QUALIFICATION DES ACTES.	DROITS. Argent d' Holland.	DROITS. Argent d' Angleterre.
		fl. c.	£. *s.* *d.*
Consular Fee on the shipping, 2½*d.* sterling per last of 4,000 lbs.	Pour production et visa des lettres de mer et autres papiers de bord à l'arrivée ou au départ de navires per *last* 2 tonneaux - - -	1 12½	– – 2½
	Pour visa des lettres de mer des navires qui passent le Sund chaque fois - - - - -	1 0	– 1 8
	Pour passeport à desgens de Mer des Pays-bas -	2 0	– 3 4
	Pour légalisation, coupare et expédition des lettres de mer par pièce - - - - - - -	2 50	– 4 2
	Pour un rôle d'equipage d'un navire :		
	de 25 a' 50 lasts - - - - -	2 0	– 3 4
	50 a' 100 — - - - -	3 0	– 5 –
	100 a' 150 — - - - -	6 0	– 10 –
	150 a' 200 — - - -	9 0	– 15 –
	200 et an delà - - - -	12 0	1 – –
Consular Fees on trade in general, from 5 *s.* to 10 *s.* sterling for each document.	Pour les certificats d' origine ou tels autres declaratoires de ce genre - - - - - -	6 0	– 10 –
	Pour l' assermentation des actes, les procès verbaux, &c., pour la première page a 20 lignes d' écriture - - - - - - - - -	1 0	– 1 8
	Pour les autres pages chacune de 20 lignes -	0 50	– – 10
	De telle sorte neanmoins que le tout n'excède jamais la somme de 15 florins où 1 *l.* 5 *s.* stg.		

Consulat des Pays-bas à Elseneur,

(signé) *J. Van Aller.*

RUSSIA.

PROJET de Tarif pour les Droits à percevoir par les Consuls *Russes* en *Europe* et en *Amérique.*

—		En Roubles.	En Argent de Banque.	En Argent d'Angleterre.
				s. *d.*
Consular Fees on shipping, £. 1. 6 *s.* sterling on each vessel.	1. Visa des passeports des bâtimens Russes	2	4 4	7 1
	2. Certificat d'arrivée et de départ - -	3	6 6	10 7
	3. — de chargement fait au lieu de la résidence du consul - -	3	6 6	10 7
	4. — de santé - - - -	1	2 2	3 6½
	5. Rôle d'équipage - - - - -	1	2 2	3 6½
	6. Annotations des chargemens survenus dans le rôle d'équipage - - -	½	1 1	1 9
Consular Fees on trade in general.	7. Visa de passeport - - - -	½	1 1	1 9
	8. Passeport pour tout individu voyageur, ou passager les accessites exceptées -	2	4 4	7 1
	9. Certificat d'origine des marchandises -	3	6 6	10 7
	10. Acte pour assurer la propriété d'un sujet Russe mort en pays etranger, où pour garantir des effets Russes naufragés -	3	6 6	10 7
	11. Pour toute declaration, contrât et cautionnement ou deposition faite dans la Chancellerie du consul Russe - - -	1	2 2	3 6½
	12. Pour les sentences comme arbitrès volontairement choisis où pour les actes constatans un accord volontaire entre les partis - - - - - -	3	6 6	10 7
	13. Pour les certificates et légalisation requis par des Russes où étrangers pour leurs intérêts dans l'empire - - -	2	4 4	7 1

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Suggestions for an alteration of the Consular System.

		En Roubles.	En Argent de Banque.	En Argent d'Angleterre.
				s. d.
Consular Fees on trade in general.	14. Acte de procuration - - - - -	2	4 4	7 1
	15. De protêt - - - - - - -	1	2 2	3 6½
	16. Legalisation de copiés pour chaque -	1	2 2	3 6½
	17. Droit de depôt 2 per cent.			
	18. — de vente de navires et marchandises,			
	19. — de vente aux encans publics 2 per cent			
	20. Simple certificat de vie - - -	1	2 2	3 6½

Ces droits appartiendront au consul, et là où il ya un chancellier où secretaire du consulat, ce dernier en veuvra le tiers. Il sera tenu un registr separé du produit de ces droits avec indication du montant et des dates de ventrée.

L'original est signé par le Président du Conseil de l'Empire.

Le Prince Pierre Lopouchir.

Approuvé par S. M. l'Empereur, à Troppau,
le 25 Octobre 1820.

DENMARK.

I HAVE not been able to procure the tariff of fees of Denmark, but I understand they consist of the following:

On the Shipping: 2 *d.* sterling per ton, (4 shilling Schleswick Holstein current per last.)

On the Trade: there exists no regulation with regard to consular fees on certificates, but generally the consular charge is from 5 *s.* to 10 *s.* sterling, or 1 to 2 dollars specie.

SWEDEN.

TARIFF of Fees for the Consuls of *Sweden* and *Norway*, published by authority.

	Denominations of Acts and Documents.	CONSULAR FEES. Hambro' Banco.		Sterling Money.	
		Dol.	Schg.	s.	d.
Fees on the shipping, from 1 *l.* to 4 *l.* on each ship.	Consulage upon Swedish vessels, variable at every port - - - - - - - - -	–	–	–	2½
	Ditto the vessels of Norway, 6 schilling Norway specie per last - - - - - - - -	–	36	3	9
	Ditto on vessels passing the Sound - dollars -	1	–	5	–
	Certificate on the duplicate manifest, ditto of the examination of bills of lading and original manifest, ditto of the discharge of a cargo, ditto of alterations in the muster roll - - - -	1	–	5	–
	Certificate of the appointment of the master of a vessel - - - - - - - - - -	3	–	15	–
	Bottomry, or arbitration bond - - - - -	1	–	5	–
Fees on trade, from 5 *s.* to 10 *s.* sterling for each consular certificate.	Certificate of origin - - - - - - - -	1	–	5	–
	Ditto of health - - - - - - - -	1	–	5	–
	Certified copies of protocols, surveys, investigations, contracts or agreements, protest, &c. &c. for the first page - - - - - - -	1	–	5	–
	For the following - - - - - - - -	–	12	1	3
	Order of survey, including affidavits of the parties concerned - - - - - - - -	2	–	10	–
	Administering an oath, and certificate thereof -	1	–	5	–
	Noting a sea protest - - - - - - -	1	–	5	–
	Legalisation of signatures - - - - - -	–	32	3	4
	Registrations, for each page - - - - -	–	12	1	3
	Visa of passports - - - - - - - -	–	16	1	8
	Attendance out of consular office - - -	2	–	10	–
	Sealing the effects of a deceased subject of Sweden and Norway, including protocol - - - -	1	16	6	8

(5.)—Memorandum on the Consular Establishment in *South America*, July 1829. Appendix, No. 14.

Suggestions for an alteration of the Consular System.

In the year 1814, the Act 54 Geo. 3, c. 126, was passed, authorising the raising of certain sums of money by contribution on the Brazil trade, for the support and maintenance of His Majesty's consul-general and consuls, and for pious, charitable and public uses. Under this Act very considerable sums were raised. The tax being one-half per centum on the value of imports and exports, representations were made by the British merchants in Brazil to His Majesty's Government, complaining of this tax upon their trade, principally because two-thirds of the sums collected were appropriated for the maintenance of the consul, whilst one-third only was applicable for public uses; but they did not object to a contribution on their trade, provided it was properly applied. Considerable alterations were made by the Government in consequence of these representations: the payments to the consul-general were lowered, and, had the Act continued in force for a short time longer, so large a surplus fund would have accumulated, that the interest upon it alone would have been adequate for every purpose, and the contribution upon the trade might have been altogether discontinued.

In 1825, however, it was thought proper to pass a new Act 6 Geo. 4, c. 87, revoking the old one, and purporting to provide for the charitable and public establishments in Brazil by voluntary subscription, the salaries of consuls being to be regulated and defrayed by His Majesty's Government. The object held in view by the powers of the new Act seems to have been to alleviate the trade at the expense of Government, but this has completely failed, since the Act has been objected to by all the British merchants resident in Brazil, and it has besides been found to be altogether ineffective, as far as respects the raising of monies by subscription. The objections are, 1st, because the principle of providing for the support of the church and hospital by voluntary subscriptions is very precarious, and there is no certainty of their being continued.

2d, Because the subscribers are deprived by the Act of their right freely to dispose of the funds raised, the consul being permitted to exercise his negative voice against the unanimous voice of the merchants.

3dly, Because the subscribers are not allowed to appoint the chaplains, to the payment of whose stipend they contribute.

4thly, Because no provision is made for the relief of distressed subjects, except such as are shipwrecked or taken in war.

Whilst the provisions of the present Act prove to be entirely ineffective, and are strongly objected to by the merchants in whose favour it was passed, it is to be observed that it entails heavy additional expenses upon His Majesty's Government. The amount of salaries paid to British consuls in South America, under this Act, is not less than 40,000 *l.* per annum.

It is proposed, therefore, to release the Government from this heavy expenditure by the passing of a new Act, which shall at the same time be agreeable to the views of the British merchants; and it may be well here to make some observations upon the offices of consuls-general and consuls as they are at present appointed.

At a period where the true principles of commerce were little understood, probably those authorities were absolutely necessary, especially among a barbarous people, to secure to the merchants that protection which they might require, and to assist and counsel them when difficulties occurred in prosecuting their business. But in the present day it will not be contended that, generally speaking, they afford any great facilities to commerce. Now-a-days any individual possessing a moderate knowledge of commerce, is perfectly capable of conducting his affairs without the assistance of a consul, and it does not always happen, even if he required such assistance, that the consul is possessed of the ability or has the inclination to afford it. The main duty of a consul in these times, is to look after sea-faring people, take affidavits, note and extend protests, attest documents as an accredited person, and to keep an eye upon any new vexations which may arise in the custom-house or other departments to the annoyance of trade, giving due information of it to the resident minister of the Government at home.

Since the recognition of the new government in South America has given rise to a regular diplomatic communication with England, there can be no necessity for consuls-general. Individuals should be employed as consuls who, with every necessary qualification for such office, would be glad to perform the duties of it with assiduity and zeal at a moderate salary. Still less should a consul-general be appointed in places where there is a King's minister or chargé d'affaires. In fact, the office might entirely be abolished.

In places where a King's minister or chargé d'affaires resides, consuls should be appointed, whose salaries should be paid from the contribution fund, and at places where the trade is not of sufficient consequence to defray the expense of their salaries, resident merchants might be appointed as Government agents, who would correspond with Government, and render assistance to British interests, merely for the advantages which such an appointment would give them. In such places the contribution should be collected and applied to the purchase and maintenance of a burying-ground and the relief of the distressed British subjects, whilst the fees of office, as at present established, should in these places belong exclusively

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exclusively to the acting consul; but in places where salaries are paid to consuls from the contribution fund, the fees should be applied solely in defraying the necessary office expenses, including a clerk, and the surplus to be paid to the treasurer of the contribution fund.

It being arranged that the consuls should be paid from the contribution fund, it may be proper to state here what would be a sufficient amount of salary for those who are appointed in Brazil.

Rio de Janeiro	£. 1,500
Bahia	1,000
Pernambuco	1,000
Maranham	600

The officers at the other ports of Brazil should be styled vice-consuls, and only receive salary in proportion to the amount of contribution.

The consuls at Buenos Ayres, Chili and Peru, Guatimala, Columbia, (and even Mexico should be added,) may be paid at the same rate, and subjected to the same regulations.

It having been proposed to pay the salaries of consuls from a contribution on the trade of the ports where they reside, in addition to the other charges for pious and charitable purposes, and as the Act for raising sums of money by voluntary subscription has proved ineffective, it is now proposed to revise that Act, and provide for the necessary contribution in the following manner:

1st. Sums of money shall be raised by a contribution of one quarter per cent. on the custom-house or tariff valuation at the respective ports, of all goods and merchandise imported in British vessels, and of 6*d.* per ton upon all British shipping; such contributions to be a maximum.

2d. The sums to be raised in the same manner as those by the late Contribution Act, 54 Geo. 3, c. 126.

3d. The consul to be authorised and commanded to refuse his signature for obtaining of the passport or clearance of every British vessel, until the captain or consignee shall have produced the receipt of the treasurer of the fund for the contribution appertaining to such vessel and cargo.

4th. Specie, bullion, and precious stones of all kinds, to be exempt from any contribution whatever.

5th. All bills of lading should specify "to pay the said monies accordingly under the denomination of contribution as per Act of Parliament," and in case the master of the vessel should neglect to specify the same, he should be made answerable for the amount of the said monies.

6th. Meetings to be called twice in a year for regulating the annual expenses, receiving and passing the treasurer's accounts, making bye-laws, electing treasurer and managers, and determining upon every matter relating to the fund; at these meetings the consul is to preside and have a vote.

7th. The sums collected to be paid over to the treasurer, who is to be appointed at the meeting to be held in the month of January of each year, at which meeting, the treasurer for the time being, shall produce his accounts, and for the better administration of the fund, four managers to be yearly appointed to assist and advise the treasurer in the expenditure, especially in such cases as are not provided for by the resolutions of any general meeting.

8th. The monies to be raised by the new Act should be applied to the following purposes: That is to say, to the support and subsistence of a minister of the Church of England, and the maintenance of a chapel and burial ground; to the salaries of consuls and vice-consuls, to the salary of a judge conservator and the officers of his court, to the expense of a hospital, and the relief of distressed British subjects; the salaries of consuls and chaplains being to be paid from the contribution fund, it might be permitted to the merchants to recommend individuals to be appointed by His Majesty's Government, whenever vacancies occur.

9th. To avoid a too great demand upon the contribution fund for distressed British subjects, His Majesty's vessels of war or packets homeward bound, might be ordered to receive on board a limited number free of expense, upon the consul or vice-consul requesting the commanders so to do, and all merchant vessels homeward bound should be obliged to receive such distressed subjects on board, providing them with provisions during the passage, on being so required as above, upon paying to the master or owners of such merchant vessels at the rate of 2*s.* per day for each person, upon a fair calculation of the probable time required for the voyage, and that under a penalty to be fixed upon.

10th. As the quarter per cent. upon the inward cargoes, and the 6*d.* per ton on British shipping, may at certain ports be more than sufficient for every purpose, this tax should only continue to be levied until a sufficient surplus fund shall have been raised, so that the interest of it shall pay all necessary expenses, and thus the levying a contribution upon the trade may ultimately be abolished.

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(6.)—From Consul *Hesketh*.

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Suggestions for an alteration of the Consular System.

Sir, London, 18 December 1829.

MANY arrangements have of late years been made to provide in foreign countries relief and medical assistance for distressed British subjects, to form establishments for the religious duties of British residents, and for the decent interment of the dead, and to secure the general protection of the British trade abroad by the appointment of consuls.

But the unsatisfactory result of such arrangements repeatedly led to vary them, and still occasions an anxiety to amend them, while on the other hand, in the variety of complaints no specific defects are enumerated, nor amendments clearly defined.

The recent memorials which have appeared on this subject, are incumbered with such a confused mass of detail, not only as to the defective systems complained of, but also in regard to what are deemed improved ones, that it requires most laborious attention to perceive the slight distinctions between the discarded and the substituted plans.

I am, therefore, induced to place before you the whole of my considerations on this subject. The alterations which suggest themselves to me as adapted to remedy the defects I have observed in such arrangements, during 20 years' residence in different parts of Brazil, may perhaps be thought to go too far; but I presume that the cause of the defective operation of the late systems, has not been yet reached by any alteration. I premise by remarking that the extent to which this aid and protection is required for British subjects abroad, varies according to the customs of the country.

Such provisions are not called for in a British colony; and next to a colony, they are required in a smaller degree in the United States of America.

Therefore the necessity of such arrangements not being either general or equal, the general trade of Great Britain could not be equitably taxed with the contribution for the requisite establishments.

It cannot be denied that the provisions for the convenience and protection of British subjects above alluded to, are indispensable in many countries, and advantageous in all quarters out of the colonies. The necessity of such arrangements is, in fact, coeval with the existence of foreign trade; in short, it is an unavoidable expense which ought to be defrayed by funds, raised under the old and equitable principle of contribution abroad, from the capital found there, seeking the advantages of that particular trade.

In proportion to the circle occupied by foreign trade in former times, these provisions for the local interests of British merchants abroad, were in the fullest operation in European countries; the system then worked well, or rather it does not appear that at such periods there were many complaints or repeated calls on Government for aid.

Undoubtedly foreign trade at those periods was often much narrowed by political events; but then, the accumulation of capital in the open ports, occasioned the constant residence of numerous British subjects in such places. As the system answered so well amongst those very considerable bodies of merchants, it seems natural to infer, that the same place would be equally effective in later periods.

Experience however proves, that with the increased means of the present day, none of these advantages to foreign trade have been permanently attained; it is, therefore, of moment to ascertain the reason.

At former periods, the British trade in foreign countries, was carried on chiefly by the ancient plan of companies and of associations called factories.

These large bodies of British merchants were composed of men who were part owners of the capital employed in the trade, and who resided the greatest portion of their lives abroad, to manage the affairs of their respective mercantile establishments. Their residence abroad became in fact permanent; they held landed property, were settled with their families, and studied and enjoyed the same habits of comfort which are common to their class at home. The principal members of these societies of merchants had influence as well amongst all the British residents as the inhabitants of the country, with the customs and language of which they were well acquainted.

The relative importance of these mercantile establishments abroad being regulated by the amount of capital each possessed, there was nothing in their pursuits to produce irritation or individual animosity. When they met to discuss matters of local interest or general utility, the members had property at stake in the trade, they possessed every information regarding the country, they felt that they would witness the result of either their good or bad management; and what was of no small consequence, they were united in their exertions to promote the general good by the bond of friendship. Under such management, the trifling contributions on the trade provided amply for the pious and charitable purposes required in such a society, and even, in some instances, contributed to defray the expense of the consular establishments.

But the character of the foreign trade was totally altered, when old mercantile relations gave way before a direct commerce to the South American continent, and the pacification of Europe, manufacturers became then the holders of the active commercial capital; each made shipments of their respective goods to foreign markets, not to any particular spot, but nearly simultaneously to wherever there was a prospect of a demand; it became impossible for them to superintend abroad the management of their dependencies in such a multiplicity of places, and they were therefore obliged to employ agents. A wide field was thus opened for the exertions abroad of active men, without capital. They established themselves in numbers, in every foreign port at which sales of British manufactures could be effected. Most of them found themselves in a foreign country then, for the first time, with the language and customs of which they were moreover little acquainted.

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Their mercantile pursuits becoming thus doubly toilsome, and their abode irksome and uncomfortable, not only from such causes, but also from the great degree of competition in which they were kept with each other, by the harassing nature of such a commission trade. Independent of this bar to friendly relations, there was that from inequality of education in this collection of persons, who as perfect strangers met so far from their homes. Under such circumstances, it is natural that many comforts would be disregarded, so that by economy, the produce of their labours would sooner accumulate sufficiently to enable them to quit such uncomfortable residences abroad. To this day, all who can live at home do so, leaving to junior partners the management of their foreign establishments. So that as these merchants begin to have experience and influence in the foreign country of their temporary residence, they leave it. The instances of their settling permanently under easy circumstances are very rare; and the few who do exercise no leading influence, because resolved not to obtrude their opinions unsolicited upon the more numerous portion of their countrymen, who invariably disregard them.

Thus British merchants abroad, at the present day, are not of the same standing, taken as a body, as was the case formerly in other countries.

I think that this is the case in every country; but from my observation, I conceive that, as far as relates to Brazil, this statement will continue to hold good.

Pursuing these remarks, I will allude to what has occurred at the meetings of British merchants in Brazil.

The past has shown, that at such meetings, the irritation produced by mercantile competition, paved the way to violent party spirit, which either opposed and thwarted the regular and beneficial discussion of useful measures, or instigated the most unreasonable degree of systematic annoyance against the presiding consul.

The public utility which was derived from such meetings, bore no proportion, either to the ample means placed at the disposal of the members, or to the troublesome discussions and mutual animosities which arose.

The decisions at these numerously attended meetings in respect of disbursements, were as capricious, and at the same time unhesitating, as if, instead of a permanent and useful application of a public fund, the members were exercising their discretionary right over their own common property, at the same time that, the main object of the meeting, the public utility was neglected. Under the management of these persons, every system which was founded on the experience gained from the foreign trade of old times, proved defective.

Their complaints were directed against the shares of consulage allowed to the consul-general and consuls, and alterations were often, although always unsatisfactorily, made to improve the system in particular.

When, according to their desire, the proportion of consulage under their sole control for public purposes, was greatly increased, they declared it to be more than needful, that the charge was too onerous on the trade, and that it ought to be abolished altogether. When, considering such persons fully competent to judge, His Majesty's Government showed every disposition to meet their views, by abolishing consulage altogether, and cutting down the consular salaries to their ideas of competency. When their wishes were complied with, of thus disencumbering the trade of every contribution, and leaving the merchants entirely to themselves, His Majesty's Government coming forward to double their voluntary contributions; when all these changes were completed, they again quarrel with the system, and ask for an alteration.

I have dwelt so much at length upon matters connected with the foreign trade of former times, and with the meetings of British merchants in the Brazil, to show that they cannot be so successfully resorted to for general utility, as deliberative meetings of a similar class could formerly in a Russian, Portuguese or Mediterranean port.

The system of foreign trade being now different, the merchants are, as a body, a different class of men. The broad principle that the capital trading to a particular foreign country should alone bear the onus, occasioned by peculiar provisions for its well being there, still holds good.

But the advantages aimed at by providing these funds will be lost, if their application continue, as heretofore under the sole control of British merchants abroad, exposed to, certainly unintentional, but nevertheless injurious mismanagement.

Having come to this conclusion, I look at consulage as the only means of equitably and permanently supporting these requisite institutions in Brazil; and, I believe, that after the mode of levying and collecting consulage is rendered more methodical and easy, the sound correction for all other former defects of that system will be, to place the application of the funds under a different superintendence. Whether the rate of consulage should be one-quarter, or one-eight per cent., or any of the intermediate fractional divisions, is a matter for deliberation; because, hitherto, there has not been uniformity of proceeding in the different ports; if in each part beneficial measures and laudable economy have been pursued, so likewise in all ports proofs of useless expenditure can be pointed out.

I should conceive that one quarter per cent. on all imports and exports to and from Brazil in British vessels, might form an aggregate fund amply sufficient to provide every needful establishment for charitable and pious purposes throughout the country.

However, as consulage must, from its nature, ever prove a fluctuating source for a fund, a clause in a new Act of Parliament, tending to facilitate the approximation of these funds to the expenditure, by authorising His Majesty's Government to alter, from time to time, the rate of consulage, would be beneficially introduced. In that case a rate between one-eighth and one-third per cent. could be permanently fixed.

It

It may be needless to remark that consulage should be only levied once on each specific commodity of import or export in the country; but former Acts were not explicit upon this point.

Vessels putting into a port, and being obliged to land their cargoes to repair, or the cargoes so landed being shipped in any other than the original vessels, or any landing of cargo as a forced act, ought to be taken as extreme cases, and form exceptions in the Act of Parliament. But there does not appear any just motive for excepting from the general contribution of consulage, bullion and precious stones shipped as articles of commerce.

To form a needful check on the practice, which may obtain, of evading consulage, two general regulations are required.

A British vessel, on her arrival in a Brazil port, is forced to land and place under the custom-house locks, all her cargo; the principle of the revenue laws in that country, that the cargo is to be protected from the risk of damage for the sake of the duties, disabling the master from exercising his lien on any part of the cargo.

After this deposit is made in the custom-house, a consignee of any part of such cargo can, by coming under a judicial bond and paying the duty, take entire possession of his merchandize in spite of the master, whose only remaining resource is an endless law-suit. If the authorities in Brazil could be induced to acknowledge the just lien existing over the cargo of every British vessel, the consequent regulation in the Brazil custom-houses would form one of the two I mean. Every master of a British vessel bound to Brazil could then securely depend on the clause respecting consulage in the bill of lading, viz. "Cargo liable for consulage."

The second regulation is, that every British vessel having cargo on board, arriving in Great Britain and Ireland, or in any British colony, from any Brazil port where a British consul or vice-consul resides, should be required to produce a manifest, sworn to by the master before such consul or vice-consul.

The former plan of levying consulage depending on custom-house valuations, on the state of markets at precise periods and other troublesome forms, the following methods might perhaps be advantageously substituted.

The valuation for inward consulage, or consulage on imports, to be the first cost of such imports; that is, the value or cost specified in the invoice, without any shipping charges; or, in other words, the value of a package of goods or merchandize.

The per-centage on this valuation, that is, the amount of consulage, should be declared in sterling in the margin of all the bills of lading, or in the currency of the country where imports by British vessels to Brazil are shipped. This would comprise the duty of the shippers to Brazil.

The valuations for outward consulage, or consulage on exports, should be the average prices of such exports at the port of shipment during a stated time. The following would be the method; on the first day of each month the British consul to fix up in his office a list specifying the average of the prices of every export of the place which were current in the preceding month; and these average prices should form, for the remainder of the month, the rates by which exports should be valued to pay consulage.

It should also be the duty of the British consul to fix up in his office on the first day of each month, the average of the exchange, current in that port during the preceding month on England and other countries, to serve during the remainder of the month as an exchange by which to reduce into currency all the inward consulages specified in the bills of lading.

So that there will be a monthly average of exchange, and of the prices of produce, which the consul can have certified by two merchants; and the valuations of all inward and outward consulage will be regulated, as to exchange for the one and prices for the other, by the rates exhibited in the office on the day the payments are brought in.

It should be the duty of a consignee of a British vessel in Brazil to collect all consulages, and to pay the amount into the consul's office during office hours, before the master can obtain his clearances. The consul having the power to demand and retain all the vessel's documents for security.

When inward consulage is paid, an account should be delivered specifying the amount charged on each mark or portion of goods; the consul having the right to insist on an affidavit from any consignee as to the cost of his merchandize, or on a sight of the invoice. In cases when merchandize is fraudulently underrated per consulage, the master of the vessel is to be responsible for the difference, having his claim on the consignee.

When outward consulage is paid, the weights or quantities of the articles of the cargo are to be produced to the satisfaction of the consul.

As it is not intended that British vessels should pay any part of the duty of consulage, and as they are liable for the expenses attending those of the crew who are sent to the hospitals or otherwise profit by the public institutions, it does not appear equitable that tonnage duty should be in any instance revived.

These are the alterations which I am induced to suggest, as likely to facilitate the levying and collecting consulage. I now come to its appropriation.

The consul-general, consuls and vice-consuls to be responsible to the Foreign Department for the due levy, collection and security of consulage; transmitting to the Foreign Office quarterly accounts of all the receipts; such accounts specifying vessels' names and total amount received on each cargo; but the accounts kept in the respective consular offices, to specify the particular sum received on each separate shipment of such cargoes.

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The consul-generals, consul, &c. to be only discharged from their responsibility by documents direct from the Foreign Office.

The total amount of all the consulage collected in Brazil, should come directly under the control of the Foreign Department, whence the general management is to be regulated, ordering balances to be remitted from places where there may be a surplus, maintaining the needful institutions in quarters where there may be deficiencies, and authorising the expenditures which may be proposed in the following manner from the different ports in Brazil.

The consul-general, consuls, &c. to fix a day in each port for the general meeting of the resident British subjects, at which all may vote who follow decent livelihoods. The meeting is to elect by ballot, from amongst the resident British merchants, an even number, which number elected, are not to be less than two, or more than eight merchants, but may be either number, or the two intermediate ones, according to the importance of the place.

The merchants so elected are, with the consul or consul-general, &c. to form a committee of management, and to superintend all matters connected with the pious and charitable institutions which may be established.

The committee, after taking the sense of the general meeting as to what should be undertaken in such particulars, are to make reports thereof, with the needful estimates, to the Foreign Office, and after that department approves of such disbursements, the committee are to direct every matter respecting these regulated establishments being responsible to the Foreign Office, and liable to be dismissed by orders from thence.

The committee should have authority to appoint persons to serve in the hospitals, churches and cemeteries.

The members of the committee should be elected for two years, and eligible again at the end of that period. All vacancies by natural causes, or by orders from the Foreign Office, to be filled up by new elections at a general meeting.

No variation in the nature or scale of the establishments once formed, is to be permitted to the committee; but all alterations must be first submitted to a general meeting, and if thought beneficial, the sanction of the Foreign Office to be obtained before any additional expense is incurred.

The accounts of the committee to remain at the consul's office, open to the free inspection of any resident British subject during one month in each year; and half-yearly copies of such accounts to be sent to the Foreign Office.

I have thus suggested what I think an expedient plan; should it be acted on, the labour occasioned by this method of collection and superintendence, must occasion some extra charge on the general contribution fund.

But without a similar sacrifice, no permanent support can be secured for institutions which all agree in declaring indispensable, and which, in fact, prove a great blessing to a forlorn and distant portion of His Majesty's subjects, who must suffer and sink unaided when such needful asylums disappear, or are impaired by mismangement.

I have, &c.

(signed) *Robert Hesketh,*
His Majesty's Consul at Rio de Janeiro.

(7.)—From Sir *A. Foster,* inclosing a Plan drawn up by Vice-consul *Barchi,* and proposed Tariff of Consular Fees.

My Lord, Turin, 26 June 1830.

Mr. Barchi, the Genoese gentleman, who has so very diligently and respectably acted as vice-consul to Mr. Stirling at Genoa, for several years, having frequently offered me his opinions, as to the most advantageous mode of providing for the payment of His Majesty's consuls, has now, at my suggestion, sent me them in writing in the inclosed paper, which I venture to transmit to your Lordship.

I have, &c.

(signed) *Augustus Foster.*

(Enclosure 1, in No. 7.)

Genoa, 16 June 1830.

I had the honour of entertaining your Excellency upon the existing regulations relative to British consuls at foreign consuls, when your Excellency was kind enough to encourage me to state my opinion in writing upon the subject.

I think it proper to inclose an extract from Bewes' Lex Mercatoria, upon consuls, which will show the utility of this institution to commerce.

The unsettled system upon which the consular service was established, required an alteration, and an Act of Parliament has passed "to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes."

The manner of paying consuls by salary, will doubtless cause their studying less the means of improving British commerce at the ports of their residence, and has already proved a heavy charge upon the nation.

I am

I am therefore of opinion, that consuls ought partly to be paid by a fixed salary depending from the average number of British vessels trading with the port of their residence, and partly by consular fees raised according to the annexed tariff.

The per centage collected by consuls on account of Government would enable Government to pay the salaries to consuls, and to provide for their retirement.

This tax will appear at first a heavy charge upon shipping, and injurious to the British trade; but even admitting this to be true, the consular service being an establishment to protect and increase the British trade, consuls ought to be paid by shipping.

It is doubtless a grievance for the shipowners to pay consular fees, as formerly collected by consuls at foreign ports, upon a tariff of fees made out by themselves, the charge not being known when the vessel was freighted, they became of course the looser; but if consular fees are raised upon a general tariff sanctioned by law, the shipowners and merchants increase the freight accordingly upon the goods, and are ultimately paid by consumers; consequently the large sums paid to consuls at foreign ports would be saved to the nation, which should be greatly supported by foreigners.

I have stated in the annexed proposed tariff, how consular fees are to be distributed.

British consuls ought to be prevented from trading; they call more the confidence of British merchants, are more respected by masters of ships and seamen, and highly regarded by the authorities of the country where they reside; they ought to be considered as magistrates and legal arbitrators between British subjects, and not to be exposed to the discretion of a sailor or a master of a ship to bring an action in England against consuls for false imprisonment.

Consuls-general, consuls, and vice-consuls ought to be British subjects, brought up for the situation. To accomplish this view, young men ought to be sent out, after their studies upon commercial navigation laws, by His Majesty's Secretary of State for Foreign Affairs, as consular attachés; and who should be eligible to be appointed after three years service as vice-consuls, and so forth.

The last paragraph is against myself, being a native of Genoa, but I trust that through the recommendation of my consul, and your Excellency's protection, 16 years of faithful service would be taken into consideration.

I beg to apologize for my trespassing upon your Excellency's time, and

I have, &c.

(signed) *A. G. Barchi.*

(Enclosure 2, in No. 7.)

PROPOSED TARIFF OF CONSULAR FEES.

		£.	s.	d.
TO consuls-general, per every ton registered	8 *d.* sterling		—	
Consuls	6 *d.* ditto		—	
Vice-consuls	3 *d.* ditto		—	
Muster roll		—	5	—
Manifest		—	5	—
Ditto, if sworn		—	7	—
Registration of ship's papers		—	5	—
For every certificate		—	5	—
Discharge of seamen		—	5	—
Noting protest		—	5	—
Extending ditto, and copy		—	15	—
Order of survey		—	5	—
Registration ditto		—	10	—
Bill of health		—	10	—
Bottomry or arbitration bond		—	10	—
Clearing out the vessel (*a*)		—	10	—
Seal of office, and signature to any documents		—	5	—
Inventory of property		—	10	—
Visa of passport		—	2	—
Administering oath		—	2	—
Attestation of signatures		—	5	—
Attending sales	one per cent.		—	
Management of property of British subjects dying in foreign port			—	
On disbursements made out for the public service	2 ½ per cent.		—	

(*a*) This charge will enable the consuls to know all the alterations which take place at the port where they reside.

Vessels arriving with cargo or in ballast, and sailing with the same cargo, or again in ballast, pay no consular fees upon the tonnage.

When consular fees upon tonnage have been paid once, they are not to be charged again on the vessel's arrival at any other place or port in the same consular district.

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Observations.

The consular service is to be carried on by consuls-general, consuls and vice-consuls.

Consuls-general to be paid by a fixed salary, and a per centage upon the fees collected, as per annexed tariff.

Consuls to be paid by a fixed salary and a lesser per centage than consuls-general, upon the consular fees collected, as above.

Vice-consuls to be paid by a fixed salary, about the fourth or fifth of the salary paid to the consul, and 10 per cent. upon the consular fees collected as above. When vice-consuls are placed in ports where there is no consul, they receive 40 per cent. upon the fees they collect, agreeably to the above stated tariff, instead of 10 per cent.

The returns of the British shipping, furnished half-yearly by His Majesty's consuls, would enable Government to determine the respective salaries, and the per centage to be allowed to consuls-general and consuls, which ought to depend upon the average number of British vessels trading with the respective ports, and upon the more or less expensiveness of the place at which the consul-general and consuls reside, as they ought, in all cases, be able to keep up their official character.

The tariff of consular fees as herein stated, seems to be so moderate as to prevent any complaint from shipowners and merchants; and the produce of consul fees would fully enable Government to pay for the consular service.

(8.)—From Consul-general *Henderson.*

January 1831.

The general expression in Parliament, from the peculiar circumstances of the country, of a feeling against the grants of monies for the due support of His Majesty's consular corps, has necessarily led to the contemplation of the curtailment of their salaries, and in many instances reductions have actually taken place, which must tend to render the performance of the duties of that service less efficient, while the individuals thus reduced in their incomes, have to contend with undiminished expenditure in the maintenance of their stations abroad.

The wealth, prosperity, power, and even the standing of the British empire depend on the continuance, and consequently the full and efficient protection, of its trade in foreign ports.

Not being dependent, as formerly, on trade for the support of their consular stations, they have not only been free from any prejudicial collision of interests with the merchants, but have stood upon much more elevated ground with the authorities, in advocating the rights of His Majesty's subjects and seeking redress for injuries sustained by them. Indeed much of the recent and general augmentation of our foreign commerce must be attributed to the greater degree of independence and respectability given in later years, to the character and condition of His Majesty's consuls.

There are no people who better understand the advantage and importance of His Majesty's consuls being placed in a respectable situation, than the British merchants abroad; their interest are in fact so closely connected with the maintenance of an independent and efficient bearing on the part of the consuls, that they would, it may be confidently stated, contribute something rather than see those, on whom they rely for protection, deprived of the means of an honourable subsistence.

It has been publicly alleged, and insinuations no doubt have been made at the Foreign Office, by persons manifestly uninformed and wanting in all practical knowledge of the subject, that the allowances to His Majesty's consuls, particularly in South America, have been on too high a scale. The fallacy of such statements, as regards the latter country, will be best controverted by facts, the most prominent one of which is, that His Majesty's agents who have been residing there for the last seven years, are in general labouring under embarrassment from the unavoidable expenditure, in supporting establishments in those countries, exceeding the amount of their salaries, and an appeal may safely be made to those persons for the confirmation of the fact, of most of them being now poorer than when they undertook their appointments. They are nearly all, more or less, under obligations to British merchants for pecuiary aid, in the maintenance of a respectable appearance. It may suffice to mention one or two circumstances to show how this can scarcely be otherwise.

In the first place, the consuls must have a house for their residence and the establishment of an office. The influx of foreigners into Southern America, and the absence of public spirit for building houses, has rendered a positive scarcity of them, and it is necessary to pay for a residence of a very medium kind from 200 *l.* to 250 *l.* and 300 *l.* a year.

Indeed near 400 *l.* a year has been paid by one of His Majesty's agents for a house of an ordinary description. It is quite impossible to avoid the incurrence of a very serious charge under this head.

In the next place, it is necessary to keep three times as many servants as in England, at higher wages, and no effort can do away with this custom of the country. The native people have their slaves, and invariably keep about them many attendants, but this they can do at much less expense than foreigners. Without entering into further detail, one other fact may be stated which no argument can subvert, namely, that a dollar in South America appears to be held in the same estimation as a shilling in England. The late consul at Guayaquil complained on various occasions that he could not maintain himself on his salary, and that he was under the necessity of drawing annually on private funds. This fact was fully confirmed by his vice-consul, Mr. Wootton, when he acted as pro-consul.

Mr.

Mr. Wootton is a young gentleman of the most economical and prudent habits; he kept a monthly account of every minute item of his expenditure, which was regulated on the most moderate scale, but in spite of the utmost economy (of course including his wearing apparel and other private and necessary expenses) it surpassed the 1,000 *l.* a year allowed to him for acting as consul, and he actually had to obtain assistance from his friends to pay his extra expenses in support of His Majesty's consulate at Guayaquil.

If the protection of our large and increasing foreign interests, render the establishment of consuls in foreign ports unavoidable and of the highest importance, it cannot be expected that they are to support the honour and dignity of their situations without adequate means, and without some prospect of a little provision for old age, after a life spent in foreign countries.

Persons, no doubt, may be found to enter on the functions of those appointments at reduced salaries, but embarrassment will soon bring them into a state of disrepute, to the prejudice of British interests, and the Foreign Department would speedily be assailed with memorials as to the inadequacy of their allowances, and so forth. It becomes, therefore, an important consideration, whether or not it be highly advantageous, and absolutely necessary to the promotion and support of one of our great interests, that the consular corps should at once be placed on a permanent and respectable footing. Vacillation in the system and means of its support must be attended not only by personal distress to individuals, who give up everything at home to obtain a supposed certainty, by submitting to foreign deprivations for the public service, but must be very detrimental to that commerce, which constantly requires the undivided attention and watchfulness of persons, who to perform that well must be placed and continued in independent circumstances.

It has been alleged by some individuals of importance and weight, that a return to merchants for the management of the consular duties would, because of a trifling economizing of the public revenue, be advantageous and desirable. A better acquaintance with the subject would produce a conviction of the very contrary nature. It may be stated, with the certainty of the statement being supported by every British merchant who has resided in a foreign port, and has acquired a practical knowledge of the matter, that a consular merchant would only lead to a state of constant broil, jealousy and collision of interests, that would produce infinitely more injury to commerce, than the petty advantage of the public saving contemplated by the change.

The consular merchant would become the monopolizer of all the good things at the port of his residence. A continued course of ill-will and dispute would prevail between him and his fellow merchants, who would never consider their interests or claims well attended to by him, as his own commercial interests would, at all rates, be alleged to engage his best and first official efforts. He would have the unfair advantage of first perusing the manifests of cargoes arriving at the port of his residence, and if it suited his interests secretly to effect the sale of any merchandize in his store, of which a redundant supply might appear in the manifest, he would thus, from the early information of his office, destroy the market for those whose interests alone he should be there impartially to protect. It may be supposed, among a thousand similar instances which would occur, that the importations of a British merchant were unfairly detained by the authorities of the place, and redress only to be obtained through the consul; and that it suited the commercial dealings of that person to be lukewarm in his applications for the release of the merchandize detained. Indeed, although he might assume all the semblance of activity, or really exert himself to the utmost, the suffering merchant would attribute the slightest delay to the want of energy in the consul, and thus incessant bickerings and disputes would occur with that officer, which would contribute to lower in the estimation of the authorities, his already diminished official reputation, in consequence of being a merchant.

The system of the United States in employing merchants without salaries for consuls, has likewise been held forth as worthy of imitation by this country. It cannot be known to persons giving such counsel, that there is scarcely a more inefficient consular service than that of the United States. Their consulates are frequently served by very incompetent individuals, who are generally regarded by the authorities with indifference, from the very circumstance of their being dealers.

The United States diplomatic agents state, that few respectable persons can be found to become consuls under their system, but that such appointments are often obtained by adventurers proceeding to distant foreign ports. There are of course some exceptions, and even those persons who are respectable, are fully sensible of the great disadvantages of their consular system.

Mr. M'Phearson, a gentleman of intelligence, and who has long served in the United States consular service, has declared that His Majesty's consuls are always attended to before the American consuls, and can accomplish things which it is in vain for the latter to attempt. This he attributes to the respectable and independent situation and character of the British consuls, while the American consuls, from their dependence on trade and daily traffic in stores, and at the custom-houses, lose that importance which should attach to their official stations. Many of the influential people of the United States have become so satisfied of the inefficient nature of their consular system, that memorials, some having been presented last year, were to be laid before the ensuing Congress, with the object of placing the consuls on an independent footing, and to prohibit their being engaged in trade.

Those circumstances are stated to show, that it would be highly detrimental to the

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foreign commercial interests of Great Britain, were the situations of consuls given to merchants.

A person actuated by any other feeling but a desire for the establishment of the consular corps, on a principle that is to forward and efficiently protect the extensive foreign trade of England, would be glad to undertake the consul-generalship of any great commercial port, without any salary, on condition of being allowed to trade.

He would be certain of acquiring a fortune, as a connexion with him would be sought for by the first merchants trading to the place of his appointment, from the certainty of his official situation securing advantages over all other merchants established at the same port. The foreign merchants, no doubt, would voluntarily assent to a contribution on their dealings for the maintenance of consuls in independent circumstances, to avoid so dangerous a competition as would arise with these officers if they were merchants.

The present necessity for public retrenchment, renders some expedient necessary to avoid so unfortunate an alternative as reducing the consuls to such a condition as to prevent them from efficiently performing those duties which are so essential to one of the first branches of the wealth and importance of this empire.

It is assuredly the most natural mode of remunerating the consuls, to draw their support from the very interest they are destined to protect. If British merchants residing in foreign ports consider the protection of consuls necessary, (and their various petitions to Parliament prove that they do,) they can have no objection to contribute to a fund for their maintenance. There is no community of persons who consider the employment of individuals necessary to the due promotion of their interests that will not readily pay for their services. This should be the case in a much higher degree with foreign merchants, who have the benefit of the protection of their particular concerns through the high influence of His Majesty's Government in the establishment of consuls for that purpose alone.

Here is an especial favour conferred on the merchants, and should be met by them, on every principle of fairness, in a willingness to remunerate the consuls for the services performed on their account, by a trifling contribution on the trade thus protected.

It is a fair inference that the merchants would not be averse to this proposition, particularly as they do not in general consider the consuls overpaid for their services; and in support of which a letter may be referred to, written by a large body of them at Rio de Janiero to the late Lord Castlereagh, when his Lordship had directed a reduction in Mr. Chamberlain's large income. The letter runs thus:—"The appointment being one which requires to be supported with a certain respectability, and which cannot be done in this country without great expense, we consider the sum directed to be allowed (near 4,000 *l.* a year) by your Lordship out of the contribution fund as inadequate; for we do not think it reasonable that a consul-general should sacrifice his health and comforts in so distant and expensive a country, for the sake of a mere subsistence, without being able to reserve some provision for the future."

For two centuries the consuls of the Levant Company were paid out of a fund voluntarily established by the merchants themselves, and raised by a collection of one per cent. on all imports and exports at the places where the consuls resided.

For many years His Majesty's consuls were supported in the Brazils by a contribution on the part of the British merchants trading in that country of one half per cent. on all imports and exports at the ports of the Brazils. The merchants even suggested, and voluntarily laid a per centage on their trade to provide the means of a very liberal scale of remuneration for the consuls, so as to make it unnecessary for them to enter into trade, and to enable them to live respectably, as well as to save something for hereafter. No opposition would ever have arisen to this arrangement, but from the income of the consul-general at Rio de Janiero becoming excessive, and from some personal differences having occurred between him and a few of the merchants. Those latter, merely on that account, got up an opposition against another party of merchants (a much larger party) who supported the consul-general. The opposition memorials were entrusted to Mr. Hume, and thus an outcry was raised against a system which, although perfectly just and unobjectionable in principle, was left open for attack, in consequence of its not being duly regulated.

If, then, the merchants of the Levant Company paid one per cent. on all their imports and exports, and the British merchants in Brazil paid one-half per cent. on their trade, for remunerating the consuls, and those measures were voluntarily adopted by both, it may with great confidence be suggested, that one-quarter per cent. only would be willingly contributed on all imports and exports in British vessels at all the ports of Europe, Asia, Africa and America where British consuls are established, for the purpose of forming a fund for the liberal support of that body.

In order that the consuls may be quite independent of the merchants, and be enabled to perform their duties honourably and impartially in the name of their Sovereign, without the possibility of any unpleasant collision of feeling or cause for dispute between them, it is absolutely requisite that an Act of Parliament should be passed for the distinct and clear regulation of everything connected with this contribution. The collection of which being authorized by a legislative enactment, every objection to a ready and due compliance with it, if it should by any possibility exist, would be silenced.

Such a contribution on trade for this important purpose, would be attended with the advantage of falling on the consumers in foreign countries, and really make no difference to the British merchant.

For instance, the duties collected in Mexico may be 25 per cent., in Colombia 12 per cent.,

cent., and in Peru 20 per cent., on the same article; so that the British merchant calculates, in these respective countries, the amount of duties and other charges he may have to pay, before he fixes the price of his commodity to the native merchant. And thus the addition of one-quarter per cent. for a consular fund would be paid by the consumer, while so trifling a shade of advance in the value of the article would be scarcely observable, and would be far from affording encouragement to any competition adverse to British interests.

In calculating the amount of the fund receivable under this contribution, the official returns of trade will be taken, although they are no criterion of the extent of British commerce, especially as regards South America. For instance, the official returns of British exports to Mexico and South America estimate that trade at from 5,000,000 *l.* to 6,000,000 *l.*; while it is certain that those countries consume annually, of British manufactures, 15,000,000 *l.* or 16,000,000 *l.* sterling. The consumption of British goods in Colombia is estimated by the returns at about 300,000 *l.*, and it cannot be less than 2,000,000 *l.* sterling annually. In fact, it may be said that the trade of that country is almost entirely and purely British. It is impossible to enter the most retired village in the centre of the Andes without finding British manufactures in use, and such shops as there are containing scarcely any other goods. It should be stated that more than two-thirds of the British trade with South America is indirect, and therefore not included in the official returns. The dealers in some of those countries are now, as they were formerly, in the habit of obtaining their goods (British) from the West India islands and Honduras, and which are not often imported in British vessels; besides, large quantities of our manufactures are introduced by American and Dutch vessels, as well as the vessels of other foreign nations, so that no returns are obtained of that trade, or of the actual amount of the consumption of our manufactures in Mexico and South America, which is not less than the estimate mentioned. A trade taking off our manufactures to such an extent, direct or indirect, demands the fullest protection on the part of the British empire. For, as old customs wear off, that trade will gradually change into a direct one, and its importance then become more manifest.

It would be very desirable for the Act of Parliament to contain a condition that all foreign vessels should be placed on the same footing as English vessels, in regard to the payment of the quarter per cent. for the consular fund. That is, that foreign vessels clearing with produce at the place of the residence of a British consul for an English port should pay the same consular fee as if the export were made in a British ship. If the foreign vessel objected to this, its entrance into our ports could be prevented, unless producing a certificate from the consul of having paid the consular contribution.

The following is an estimate of the sum necessary to pay the allowances to His Majesty's consuls abroad, and all contingencies in every way connected with the consular service; the payment of chaplains, the maintenance of chapels, hospitals, &c., in foreign countries, and the mode by which those sums should be provided. The estimate is made on the scale of allowances for the year 1829; as many consulates have been since abolished, which the course of trade and further experience may show the necessity of re-establishing. The Barbary consuls are included in this estimate, in order that the whole consular corps may come under one uniform arrangement.

	£.
For salaries and allowances to the consuls-general, consuls and vice consuls, generally in Europe	50,000
Ditto ditto in the Levant	11,000
Ditto ditto in South America	32,000
Ditto ditto in the Barbary States	11,500
Ditto ditto in Greece (estimated at)	6,500
Allowances to vice-consuls, chaplains, for chapels, hospitals, &c. &c.	18,000
Superannuation allowances to consuls, including Barbary consuls (estimated at)	8,000
£.	137,000

Estimate of the Contributions by which the above Sum is to be paid.

	£.
Estimate of imports into the ports of Europe, Asia, Africa and America, in British vessels, where consuls reside	32,000,000
Estimate of exports, including specie from the ports of the above countries in British vessels (including specie shipped by His Majesty's vessels of war, if thought expedient)	20,000,000
By British vessels £.	52,000,000

	£.
If foreign vessels coming to British ports with produce, are made liable to the contribution, the amount may be estimated at	8,000,000 By foreign vessels.

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The result will be		£
One-quarter per cent. contribution on - -	£. 32,000,000 say - - -	130,000
Ditto - - - - - - ditto - on - -	8,000,000 say - - -	20,000
Contribution fund - - - - - - -	£.	150,000

The merchants of Rio de Janeiro gave an opinion to Lord Castlereagh, that the consuls should have some interest in the contribution fund, in seeing it properly levied; and therefore, with a view of securing that object, a small share of their collections might be conceded to the consuls, beyond the salaries appropriated to them by His Majesty's Government.

By the foregoing estimate, a fund of 150,000 *l.* would be raised to pay the consular salaries and other allowances of 137,000 *l.* If, however, it were deemed better not to collect on the eight millions imported in foreign vessels, although such a collection would be perfectly justifiable on the principle that the Russian, Portuguese, American, and other foreign consuls, receive fees from British vessels proceeding to the ports of their respective countries; still the principal sum of 130,000 *l.* might be considered nearly adequate to the maintenance of the consuls, on that respectable footing which they should be placed, without it being necessary for them to engage in trade; and for such contingencies as the service may be subject to. In those contingencies, it should be provided that every consul be conveyed to and from his post, or allowed the necessary expenses incurred in such voyages and journies, when on the public service.

A register should be kept at the consular offices for the insertion of the names of the vessels, the amount of cargoes, and the contribution received on them.

These accounts should be made up every three or six months, and transmitted to the Foreign Office, duly certified by the consuls, vice-consuls, and two merchants, at each place. Should there be any surplus beyond the consular allowances, this to be remitted to the Foreign Department, or subject to the disposal of His Majesty's Government in the payment of other consuls in the same country, whose collections may fall short of their allowances.

Thus a fund would be levied for the payment of the consuls, without any pressure of moment (if any) on foreign trade; and the third class of the civil list freed from 30,000 *l.* a year, and the public revenue from annual grants of above 100,000 *l.* on this service.

It might, however, be expedient, until the plan is practically carried into operation to provide that the 30,000 *l.* of the civil list should remain liable to the contingencies of this service.

The relations of Great Britain, with the States of South America, being mainly of a commercial nature, they have been conducted principally at Buenos Ayres, wholly in Chili and Peru, and for a time in Colombia, by the consuls-general. Experience in those countries, shows that the general questions which arise are of a commercial kind, and might be submitted by the consuls-general, through whose medium they are made, at once to the authorities, in lieu of through a diplomatic agent, whose representations must necessarily be founded on the suggestions of the consuls-general.

Thus by anticipation, a saving might be contemplated in some of the republics where ministers are not already established, (and particularly as many persons of that class have very unwillingly gone to reside in the South American States,) of about 7,000 *l.* a year for each of them, and the public service, principally of a commercial nature, managed by the consuls-general.

It may thus be supposed, merely for argument, that the plan which has been proposed for the remuneration of the consular corps may be adopted, and that ultimately the management of the commercial affairs with the authorities in the South American States, be confided to the consuls-general, the same service being conducted by similar agents for France.

This of course is merely glanced at, by way of argument, as to the probable means of retrenchment in South America, without its being presumed to offer an opinion whether such a measure might be expedient or not. If it were decided that the service in that country would not suffer by such an arrangement as is mentioned, the saving ultimately would be as follows:

	£
Saving in the public expenditure as regards the consuls - £.	137,000
Ditto in regard to five diplomatic missions in South America (three being established) - - - - - - - -	35,000
Saving - - - £.	172,000

By the accomplishment of so important a saving under this head of service, it may be confidently expected, from the improved nature of it, that our commercial relations with the world would be as well, if not better sustained than they are at present.

Towards the maintenance of the consular offices, as formerly, a well-defined system of notarial fees should be provided for in the same Act of Parliament, and these should embrace every possible notarial act that could be required of the consuls, and be publicly exhibited in all their offices, in order to avoid every doubt or arbitrary collection of a single fee. Part of these should be made, in fairness, to fall on the shipowners who are exempt from any part of the contribution paid by the merchants. A small tonnage fee on vessels

vessels should, therefore, be regulated by classification, according to the distance of the ports and the number of voyages that can be performed by vessels annually. This might be divided into six classifications, namely the places to which from one to six voyages a year could be performed.

For instance, a vessel which could complete six voyages a year to contiguous ports, should not pay by six times so much as a vessel that could not perform to a distant port more than one voyage in the year.

This code of notarial fees would require some deliberation and investigation to render it judicious and permanent, more particularly as it is most desirable to avoid every ground of dissention or misunderstanding between the consuls and the parties requiring notarial services, and to prevent the interruption of that harmony that should prevail between the consuls and the merchants, for the purpose of more effectually promoting and encouraging British foreign trade.

There is one other important requisite in reference to the consular service, which experience suggests the adoption of, that is, a minute and general code of instructions in a printed form, for the guidance of His Majesty's consuls, (independently of the usual written instructions,) that would, as far as possible, elucidate all the respective parts of their public duty, and prevent the commission of involuntary error, which not unfrequently occurs from a doubt, in many cases, of the course that should be taken.

(9.)—From Consul *Bartlett*.

Sir, London, 31 January 1831.

Reflecting on the subject of consular employment, and the mode of paying consuls, to which my attention has been turned, particularly as to the nomination of merchants as consuls, I beg leave to observe, that that plan may not perhaps be objectionable in countries that are governed by fixed laws; but I feel convinced that it would be found in practice extremely disadvantageous in despotic countries, putting aside the jealousy and bad feeling which are almost sure to be excited amongst merchants when one of them holds the consular office. I do not hesitate to say, that I think it utterly impossible that any man carrying on commerce in a despotic country, (my conviction is formed from experience in Spain,) can be independent of the local authorities, and, consequently, whenever he may be called upon to oppose such authorities, his public duty and his private interest will be almost always in direct opposition; and in such circumstances, however patriotic a man may be, it is more than can be expected from human nature that he should sacrifice the interests of himself and family for a cause which his country does not deem of sufficient importance to give him such a remuneration as will make him independent; and, consequently, enable him to assume and act with a spirit directed exclusively for the interests of his King and country, and the benefit of his resident countrymen.

With respect to a per centage charge on cargoes, I am inclined to think that it would be strongly objected to by commercial men, because the consul must have data either by reference to the invoices or some other means, to ascertain the value of the cargoes. To this merchants would, I apprehend, strongly object, inasmuch as it would expose the secret of their trade not merely to the consul, but it would also form a groundwork for the foreign government to charge and exact duties. On general principles it is, I believe, an axiom, that all regulations that have a tendency to trammel commerce should scrupulously be avoided.

To go at once from a large consular expenditure to none, seems difficult.

Might not a consulage, levied according to tonnage, be introduced, which would reduce in a considerable degree the sum now required from Parliament for the consular expenditure.

Suppose a consulage of 10 dollars for ships under 50 tons, 12 dollars from 50 to 100 tons, and so on, increasing two dollars for every 50 tons. Ships arriving and sailing in ballast, and coming into port from stress of weather, to pay half consulage. Vice-consuls to be allowed 10 per cent. on the sums collected by them.

Consuls would, of course, as at present, be directed to make a return of the consular and notarial fees collected, (the present tariff for the latter might perhaps be revised with advantage,) which might be annually laid before Parliament, and the country only called upon to make up the deficiency of the consular salaries, instead of providing for the whole as at present.

I am, &c.

(signed) *Richard Bartlett*,
His Majesty's Consul at Corunna.

John Bidwell, Esq.
&c. &c. &c.

(10.)—From "An Old *British* Consul."

To Lord Viscount *Palmerston*.

My Lord, January 1832.

I feel that in addressing your Lordship I must encounter a very embarrassing alternative. An anonymous communication upon any subject, however important, is not calculated to secure that consideration which is necessary to render it beneficial, and it must

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appear presumptuous in a subordinate officer to come forward unasked, and to proffer information and suggestions to the head of his department.

The subject to which I have the honour of soliciting your Lordship's attention, will be submitted with unfeigned respect, though with all the freedom and confidence which nearly 20 years incessant service and experience appear to justify; and feeling that my motives cannot be justly impeached, I trust that your Lordship will not disapprove the line of conduct which I have adopted, nor wholly disregard observations which are intended to facilitate, and not to embarrass your arduous labours in the public service.

It is almost impossible that any one filling the high station now confided to your Lordship should, in the midst of so many important occupations, be practically acquainted with the detail of all the numerous duties and labours of the consular office; indeed, I may truly say, without offence to any one, that there is no subject upon which those at home appear to possess less authentic information or practical knowledge.

Owing to the very large incomes which one or two consuls realized previously to the passing of the statute 6 Geo. 4, c. 87, it is generally supposed that the consular office is extremely lucrative, whereas the truth is that there is not one consul in 20 who can, under existing regulations, save 1 s. for the future benefit of his family, and that a very great majority are unable to maintain the respectability and efficiency of the office by their official emoluments.

I am sure your Lordship will admit, that, although some may deem it inexpedient that a public functionary, after a long life of labour, probably in an unhealthy climate, should be enabled to leave anything to protect a widow and children from indigence when his labours are ended, every one must feel that he ought not, while living, to be rendered an object of pity and contempt to foreigners, and of disgrace and degradation to his country.

Public functionaries are, in many cases, the only standard by which the national character of their countrymen is estimated abroad. In North and South America, these, and the agents of commercial houses, the latter of whom are seldom very favourable specimens, are almost the only criteria of English manners and habits; and the respect and influence which a nation obtains with foreigners, is, in a great measure, dependent upon the opinion entertained of its inhabitants.

Without a certain degree of influence, a consul is absolutely useless to his country; for whatever theoretical opinions may exist as to the impartiality and purity of foreign authorities, without such influence he can never obtain favour, and very seldom justice, for his countrymen.

In those foreign countries where the commercial intercourse with England is extensive, whether in British or national ships, difficulties in the department of the customs are constantly occurring, and British property is frequently otherwise jeopardied; and it cannot be necessary for me to point out to your Lordship how much, in such cases, depends upon the exertions and influence of the resident consul. I, my Lord, can truly assert, that, by the exercise of such exertions and influence, I have saved the shipping and commercial interests of my country more than ten times the amount of all my official emoluments; and this I could not have effected if those emoluments, which are even now inadequate to my inevitable expenses, had not enabled me to maintain a respectable standing in society, and to conciliate the kind offices of the public authorities.

It has, I know, been said at home that consuls are not sent out to feed those who can feed and entertain themselves, but to relieve certain classes of distressed British subjects; but, I beg, with great deference, to observe, that unless they show a certain degree of reasonable attention and hospitality to such of their countrymen as feel entitled to their notice, particularly to officers of the army and navy, they will not only be generally despised for their meanness by their fellow subjects, but lose all self-confidence and esteem. And what possible influence and respect with foreigners can be retained by those who are contemned and reprobated by their own countrymen, and who feel and are paralysed by a sense of their own unpopularity and insignificance.

There are other unavoidable expenses incident to the consular office which ought in justice to be taken into consideration. Does a countryman, under the pressure of unexpected misfortunes, which it is not within the pale of official authority to relieve, require the assistance of his charitable fellow-subjects? The consul is expected to head the subscription list. Is a charitable institution proposed to be established for the relief of distressed British subjects whom his instructions forbid him to relieve on the public account? The consul must, under the penalty of losing the good opinion and confidence of his countrymen in case of refusal, contribute to its funds in a way that will influence the support of others. Is a public meeting called by his countrymen? The consul is, *ex officio*, called upon to preside. Is information required by Government? The consul, if he expects to obtain it from authentic sources, must in some cases incur very considerable expense. To all these may be added the charge of postage, which in extensive consulates is very great, (in mine nearly 100 dollars per annum,) office rent, incessant and often irresistable appeals to his charitable feelings, the salaries of vice-consuls, which in many cases are not repaid by Government, &c. &c. I will not include his liability to suffer by advancing money to those who frequently apply to him under circumstances and with testimonials which render it almost impossible to suspect imposition or withhold assistance; nor the hospitalities which he is in sound policy bound to show to those public authorities from whom he has frequently to solicit, on behalf of his countrymen and Government, favour, assistance and information; but I beg most respectfully

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respectfully to observe, that my losses by the first have averaged nearly 15 per cent. upon my emoluments, and that unless I incurred the expense of the latter, my popularity, influence and efficiency would have been materially diminished, if not utterly destroyed.

It was recently asserted, in a House to which I can only allude in terms of profound respect, that the fees of our consuls were enormous; and as it appears that your Lordship was not present, no one ventured to contradict the assertion. How far it was correct will be perceived by the following analysis of the existing tariff, which I have the honour to submit, with becoming deference; together with remarks on its operative, or rather inoperative effects.

Table (A.) 6 Geo. 4, c. 87; 1. "Certificate of due landing of goods exported from the United Kingdom, two dollars."

This charge is sufficiently high, but it is the same in the consulates of all other nations. It is now, however, seldom, I might almost say never, required; other evidence of such landing being received by the officers of His Majesty's Customs.

At the port where I reside, British produce, &c., to the amount of several millions of dollars, are annually imported; but in the course of the last two years I have not received fees under this provision to the amount of 10 dollars.

2. "Signature of ship's manifest, two dollars."

The masters of foreign ships never, and those of British very seldom, (except when tobacco is shipped in either), apply to have their manifests signed by a British consul, which would be a great check upon a system of smuggling now extensively practised, and to which the law requiring a separate manifest for tobacco is no impediment. Vessels frequently clear out for British ports with cargoes, only part of which is intended to be landed at their declared ports of destination. If it be found impracticable to smuggle that, which is designed to be so disposed of, at some other port or place, a manifest of the whole which may now be made out at any time, is regularly produced; but if, as is generally the case, the attempt prove successful, a manifest of the remaining part only is exhibited on the ship's arrival at her port of destination, and in cases where tobacco has been successfully smuggled out of her, the separate manifest is destroyed. I respectfully submit, that all vessels bound to a British port should, when practicable, have their general manifests verified by a consul, and that, when tobacco is shipped, the fact and the amount thereof should be shortly mentioned therein, without altering the law as to separate manifests thereof. At present I do not believe any consul in His Majesty's service makes five dollars a year by signing general manifests.

3. "Certificate of origin when required, two dollars." Although foreign vessels are in some cases restricted to carry goods the produce of the country to which they belong, consular certificates of their origin are now never required by the officers of His Majesty's Customs; this provision is therefore nugatory.

4. "Bill of health, when required, two dollars." Full faith and credit are now given to bills of health from foreign custom-houses, though unauthenticated by a British consul, and I have known such obtained at ports where a malignant fever existed. This provision therefore produces the consuls nothing.

5. "Signature of muster-roll when required, two dollars." Such signature has never to my knowledge been required during the last 12 years.

6. "Attestation of a signature, when required, one dollar.

7. "Administering an oath when required, half a dollar.

8. "Seal of office, and signature of any other document, when required, one dollar."

These last three are the only provisions of Table (A.) from which British consuls derive any emolument, and as notarial attestations are equally received, they produce but little. Surely these charges cannot be deemed "enormous," indeed were they not less than those of notaries public, they would be wholly unproductive.

Surely, my Lord, where there is a resident accredited agent of His Majesty's Government, his authentications alone should be deemed valid by custom-house officers and other British authorities. Notice has been recently given by the French consuls, that no notice will be taken of any public documents or communications by their government, unless received through the diplomatic or consular agents of France.

I think, my Lord, I have shown that the British public have little reason to complain of the enormity of the fees received by His Majesty's consul under the provisions of Table (A.) I shall now have the honour of proving that, in all cases, the fees permitted to be taken by Table (B.) are an actual saving of from 100 to 500 per cent. whenever they are incurred.

"Bottomry or arbitration bond, two dollars." Lawyers and notaries charge for the same from 10 to 20 dollars, they are, besides, too seldom required to increase materially the consuls emoluments.

The noting, extending and registering of protests, and swearing the deponents in cases of protest, amount in the whole to four and a half dollars when performed by a consul under the provisions of this table; when a foreign notary public is employed, his charges are never less than six dollars, and frequently, as I have been assured by the masters of British vessels, amount to from 20 to 40 dollars, in some places, even to more.

"Order of survey, two dollars." This charge is perhaps more than sufficient, but is so seldom required that it can be no object to any consul.

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"Registrations, one dollar." Surely the fee should be proportioned to their length, and the same may be observed of extending protests.

"Visa of a passport, half a dollar." Seldom or never required.

"Valuation of goods, 1 per cent.; attending sales one-half per cent. where there has been a charge for valuation; otherwise 1 per cent."

In cases where goods are damaged on shipboard, this duty and that of valuation is always claimed by the agents of Lloyd's, &c., who are often commission merchants. I know of no regulation which requires or authorises a consul's interference, the provision is therefore absolutely nugatory. I know of many instances where, had the consul's attendance been indispensable, very great losses would have been prevented.

"Attending out of consular office, at a shipwreck, five dollars per diem for his personal, over and above his travelling expenses."

Lawyers or other agents attending in such cases would charge from 10 to 20 dollars per diem. I beg here to call your Lordship's attention to the limited meaning of the words used in this provision.

In cases of "actual shipwreck," the consul's interference can be of little avail; in those of partial wreck or of distress, it is most important. I have, in the course of a single year, had three cases of the latter description, in which my interference saved the owners many thousand dollars. I respectfully submit that the words should be made generally applicable to all cases where the consul's official attendance out of office is required, and experience has convinced me, that in those which relate to vessels arriving within the consulate in distress, or requiring repairs, it would be very advantageous if his interference were rendered indispensable. As the law formerly stood, this was the case when a ship required repairs in a foreign port; at present, the evidence required to prove the necessity of such repairs is undefined, and much inconvenience and loss have, to my knowledge, been consequently incurred. The authorities appointed to decide the question having in different colonies come to adverse decisions in cases precisely similar.

"Attendance on opening a Will;" five dollars. There is no law existing by which a consul's attendance in such a case is rendered necessary; it has therefore never to my knowledge been required.

"Management of property of British subjects dying intestate; 2 ½ per cent." This being limited to cases of intestacy, if a will should be subsequently found, the consul could make no charge, whatever might have been his exertions or his trouble in recovering and securing the property of a deceased countryman. The usual practice being for a person claiming to be a creditor, to take out letters of administration; in some countries, consuls are not permitted to interfere, and distant heirs and relations are thus extensively defrauded. This, I respectfully submit, should be remedied by treaty, and the words of this provision made applicable to all cases where charge is taken of unprotected British property. At present the provision is of no benefit to British consuls, at least in the country where I reside.

These are all the charges which a British consul is allowed to make, and I think your Lordship will admit that they are neither "enormous," nor a very heavy tax upon the public. Had your Lordship been present, when the assertion to which I have alluded was made, I feel assured that you would have noticed its injustice; for to the head of our department alone can we look for vindication or protection.

The salaries which have been apportioned to various consulates were fixed by the late Mr. Secretary Canning, after the most careful inquiry and deliberation. God knows, they are barely sufficient to maintain the respectability of the office, but had they been one-half less, they would not have escaped invidious remark.

Under the old regulations, by which these emoluments were chiefly derived from fees, the remuneration was wholly disproportioned to the official labours and importance of the various consulates, always uncertain, and in a great measure dependent upon the fiscal and commercial regulations of foreign governments.

I have known one consul, whose duties were confined to a single port, realize an immense income, while another in the same country, who had nearly a dozen ports of entry in his consulate, and whose labours, resulting from the frequent cases of wreck that occurred upon its coasts, and other circumstances, were 10 times greater and more important, was almost dependent upon charity for the support of himself and family.

Should His Majesty's Government resolve to restore, in some measure, a system to remedy the oppressive evils of which the Act of 1826 was passed, I trust that care will be taken to prevent us from being defrauded of those fees which we may be permitted to receive; that in all cases consular authentications will alone be respected by custom-house officers and law authorities; that they will, where such authentications are not inexpedient, be rendered indispensable; that foreign vessels, as well as British, will be compelled to have all necessary papers so authenticated, (some countries, France for instance, imposes larger fees on foreigners than on their own subjects, and no foreign vessel is admitted to entry in a French port unless all her papers be authenticated by a consul); that where foreign vessels are allowed only to import the produce of their own country, a consular certificate should be the only evidence received to prove its origin; that when evidence of the due landing of goods is required, such certificate should be alone considered satisfactory; and that the tariff will be so worded as to prevent all doubt as to its meaning and intent.

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That the British consular-office is less efficient than that of most other countries, cannot be denied.

If a ship of war be launched; if any successful commercial enterprize has been achieved; if any invention or system in mechanics, agriculture or manufactures, is adopted, every particular is immediately communicated to his government by the French consul. In short, no circumstance that can tend to inform his country as to the state and effect of commerce, manufacture, and even political feeling, but is, from time to time, communicated by him; and I trust, that I shall be pardoned for observing that, if our consuls in America had received the necessary instructions, or had their local experience been consulted, the important fisheries and privileges granted to the United States by the convention of 1818, would not have injured our colonial interest, and facilitated the contraband trade of American smugglers, with whom fishing is only a secondary and ostensible employment. Nor would the north-east boundary of the United States have been left uncertain, undefined, and the subject of prolonged discussion and dispute. A consul resident near the spot would have known, or if instructed so to do, would have ascertained if any such "high lands" as those mentioned in the treaty actually existed, and have pointed out the most natural and obvious boundaries.

I have before had the honour to observe, that a consul without credit is worse than useless. He is frequently called on to make large advances in the public service. Circumstances may occur in which it might be of the utmost consequence for him to engage a vessel to convey important intelligence home, or to the commanders of His Majesty's land or naval forces, as in cases of piracy, expected or actual declaration of war. Money, unless he has it, independent of his small official emoluments, he cannot obtain; and without credit or influence, which he must be, if reduced to the abject state that many of our consuls were in previously to 1826; it is impossible he should, in such cases, act efficiently.

If all these circumstances were explained, and generally understood, I cannot suppose that the objections which have been urged by a few against the department, would exist in a single rational breast. That the consulate, properly conduced, would save the British public, and particularly the commercial and shipping, infinitely more than its cost, might be easily proved.

I have now, my Lord, most humbly to apologize for the liberty I have taken in addressing this communication to your Lordship, as the head of the department to which I have the honour to belong: I most solemnly disclaim all interested motives, and am solely actuated by the desire of bringing existing and impending evils under your consideration, which they may have escaped owing to the pressure of the many important subjects that must engross your attention.

I have, &c.

(signed) *An old British Consul.*

(11.)—From Mr. *George Herman.*

Wood's Hotel, Panton-square,
15 May 1835.

My Lord Viscount,

As it is probable that a Parliamentary inquiry into the state of our consular establishment, (a question of so much importance to the commercial and manufacturing interests of this country,) will be instituted during the present session, I have now the honour to submit to your Lordship's consideration a plan for not only re-organizing that important branch of the public service upon a more efficient footing, but also for saving to the State the entire charge of its maintenance.

In the year 1808, when the ports of Brazil were opened to foreign shipping, the British merchants engaged in that trade, proposed to His Majesty's Government, that the consul-general and consuls to be employed for its protection, should be remunerated chiefly by a small rate to be imposed upon the cargoes of all British vessels resorting to the ports of Brazil, which it was urged, would not only be a great relief to the shipping interest, but would place the great proportion of the expense upon those who being most interested, ought to contribute towards it, viz. the merchants and manufacturers in Great Britain, and their correspondents in Brazil.

These proposals having received the sanction of Government, orders were immediately transmitted to our consular agents in Brazil, to levy a rate of one-half per cent., (10*s.* in the 100 *l.*,) upon the inward or outward cargoes of all vessels entering the ports of that country. The consul-general received in addition to his salary of 1,500 *l.* per annum, the entire proceeds of the rate collected at Rio de Janeiro, and the half of that collected at the outports, as his share of the consulage, the consuls at each port retaining the other half, in addition to a salary of 700 *l.* per annum.

But no provision having been made for meeting the expenses of a chapel, chaplain, conservatorial court, hospital, &c. &c., a petition was addressed to His Majesty George 3, in the year 1809, by his subjects established at Rio de Janeiro, praying that the rate might be increased, in order to raise funds for those purposes, without diminishing the consular emoluments.

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This petition being supported by the merchants in England, the Board of Trade recommended His Majesty's Secretary of State to adopt the plan devised. It was as follows:

"That in lieu of the rate before-mentioned, 10 *s.* per cent. on cargoes inward and outward, a consulage not exceeding one-third per cent., (6 *s.* 8 *d.* in the 100 *l.*,) should be levied on all inward and outward cargoes, the valuations being made according to the panta or tariff of the Brazilian custom-houses, and a small duty of 4 ½ *d.* per ton register on all vessels in ballast; and that it should be proposed to Parliament, to authorize in addition thereto, the levy of one-sixth, (or 3 *s.* 4 *d.* in the 100 *l.*,) with a proportionate tonnage duty of about 2 ¼ *d.* per ton, to form a contribution fund, the whole not to exceed one-half per cent.

His Majesty's Government having been pleased to sanction this arrangement, the new letters patent, granted in 1814 to His Majesty's consul-general in Brazil, contained instructions empowering him and other consuls to levy the rates aforesaid; and an Act passed the Legislature, authorizing them to levy the additional rate for a contribution fund.

The appropriation of the monies so collected was directed to be as follows:

Rio de Janeiro:	Consul-general - - -	⅔ds.
—	Contribution Fund - - -	⅓d.
Outports:	Consul-general - - - -	⅓d or $\frac{5}{15}$ths.
—	Consul - - - - - - -	⅓d or $\frac{5}{15}$ths.
—	Contribution Fund - - - -	⅓d or $\frac{5}{15}$ths.

This appropriation continued till the conclusion of 1817. Although it was not possible at the time to estimate what this rate would produce, from the data laid before the Committee, it was conjectured that it would be amply sufficient to ensure the consul-general, including his salary, an income of 5,000 *l.* per annum, and to the other consuls in proportion.

In consequence, however, of the rapid extension of our commercial relations with Brazil, the emoluments of our consular agents were found to so far exceed* the just measure of remuneration originally contemplated, that His Majesty's Government directed a reduction in the consular emoluments to be made in 1818. The salary of the consul-general was reduced from 1,500 *l.* to 500 *l.*, and his share of the consulage and contribution at the outports from $\frac{5}{15}$ths to $\frac{1}{15}$th. The salaries of the consuls at the outports were reduced at the same time from 700 *l.* to 300 *l.*; but no diminution was made in their share of the consulage.

Notwithstanding these reductions, from the continued extension of our trade with Brazil, the emoluments of our consular agents in that country were still found to be so disproportionate to what our consuls in other parts of the globe received, more especially at Rio de Janeiro, where the receipts rose to nearly double their former amount, that a further reduction in the income of the consul-general was ordered in consequence.

But although, in the appropriation of the monies levied, various alterations were thus made, no alteration in the system itself took place, which continued in full operation until the year 1825, when, owing to the great extension of our consular establishment, by the appointment of consular agents in the ci-divant Spanish colonies, it was found expedient to make further provision for that purpose, and an Act accordingly passed the Legislature "to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public services." The consular system of Brazil was accordingly abolished, and the one now in force established in its stead.

I feel I have been drawing largely upon your Lordship's indulgence by the foregoing historical abregé of our consular establishment in Brazil, from the year 1808 to 1825, but it was necessary for the elucidation of my subject, it being upon a modification of the system in question that is based the plan which I have now the honour of submitting to your Lordship, and which is simply as follows:—

First to interdict, (with the exception of those at such ports where our commercial intercourse is of a limited nature,) our consular agents from engaging in any commercial pursuit.

Secondly, to relieve the State from the expense of their maintenance, by bringing into Parliament a Bill to empower His Majesty's Government to levy for that purpose a rate, not exceeding 5 *s.* per cent. upon the official value, of all British and Irish produce and manufactures exported to such parts of the world, where British consular agents are established, the same to be reduced in ratio as the value of the exports increase.

By

* From the year 1815, to 1820, the amount of consulage and contribution fund, with salaries in Brazil, was, 90,274 *l.* 13 *s.* 4 *d.*

Rio de Janeiro - - -	£. 57,567 arg. - -	per annum £.	9,590
Bahia - - - -	14,283 - - -	—	2,380
Pernambuco - - -	10,748 - - -	—	1,800
Maranham - - -	7,090 - - -	—	1,131
Para - - - - -	559		
Rio Grande - - -	24		

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By the Returns laid upon the table of the House of Commons, I find the official value of such exports amounted in—

1828 to - - - - - - -	£. 25,304,734
1829 - - - - - - - -	39,775,093
1830 - - - - - - - -	40,683,080
1831 - - - - - - - -	45,017,147
1832 - - - - - - - -	47,731,405
Average for 5 years - - -	£. 208,511,459 = 41,702,291

Thus your Lordship will observe that a rate of 5*s.* per cent. upon the average amount of exports for five years, from 1828 to 1832, would yield the sum of - - - £. 104,255

Nearly one-third more than the amount of the consular expenditure for the year 1833, which was as follows:—

Consuls in Europe and America - - - -	£. 50,525	
In the Levant - - - - - - - -	11,000	
Contingent expenses - - - - - -	6,500	
	68,025	
Barbary States - - - - - - - -	10,700	
		78,725
Surplus - - - - -		£. 25,530

On a superficial view of the question, I am aware that it may be objected to my plan, that it has a tendency to fetter the freedom of commerce by the imposition of what may be termed a vexatious restriction, but under that category your Lordship will, upon an impartial consideration of its details, I flatter myself, allow that it ought not in justice to be ranked. When it is considered that our merchants and manufacturers are at perfect liberty to select such fields for their commercial operations as present the greatest advantages for the profitable employment of their capitals; that on the mechanical power so largely employed by the latter, no tax is levied at all comparable to that which animal power is subjected to, on the part of a class so singularly privileged as the manufacturers, no reasonable opposition can be offered to the adoption of the measure I have now the honour of submitting to your Lordship. In addition to these considerations, I could impress on your Lordship that the rate in question would be levied for the maintenance of an establishment, formed for the sole protection and extension of their commercial interests, that while it will diminish in ratio as our exports increase, its immediate operation will exercise no injurious influence upon their foreign trade, being in fact less than many charges to which they are constantly subjected, at the mere caprice of their correspondents abroad, and moreover that it will be accompanied by what may be, without exaggeration, stated, will be hailed as a boon by the mercantile world, the interdiction of our consular agents from engaging in trade. When these points are impartially considered, I may almost confidently predict, that the measure I propose is one that will meet the approbation of the commercial and manufacturing interests.

Upon the expediency of permitting our consuls to trade, I am aware a very great diversity of opinion exists, although those who have had opportunities of witnessing the practical workings of such a system must be convinced of its manifold impolicy. So important and so multifarious are the duties of a consul, so essentially do his functions partake, (as your Lordship so happily expressed it, during the debate which ensued on Mr. Fleetwood Hesketh's motion on the state of our Consular Establishment in the last session of Parliament,) so essentially indeed do his functions partake of a political character, that the anomaly of allowing him to engage in any commercial pursuit must be at once perceived by the most superficial observer. To be useful to his country in arts, sciences or manufactures, a consul should have no commercial pursuit; services of such a nature cannot in justice be expected from one whose mind is absorbed in the pursuit of gain. In fact, such a system has not only a tendency to impair the efficiency of the consular establishment, but to likewise neutralize the attainment of the objects for which it was instituted. But not to occupy your Lordship's attention by exposing in succession the multifarious causes which render it imperative to interdict our consular agents from engaging in trade, I shall briefly observe, that such pursuits render them objects of suspicion to all parties at the places where they may reside; that instead of being, as they ought to be, independent public functionaries, they necessarily become entangled in the intrigues of those whom it is their duty to conciliate; in short, their official duties as consuls are in constant opposition to their interests as merchants, in which conflict of interests the primary objects of the consular establishment are lost sight of, if not altogether sacrificed. Again, in those countries where certain prejudices still exist against the profession of a merchant, the dignity of the public officer, if also invested with a commercial character, will be degraded, and his influence with the public authorities sensibly diminished.

It is upon these grounds, my Lord, that I advocate the necessity of abrogating the present system of allowing our consular agents to trade. The abolition of this privilege will of course, in some instances, require to be compensated by an increased allowance from Government, for which the rate I propose would amply provide, surpassing, as it does by nearly one-third, the Consular Estimates for the year 1833. Allowing them, therefore, to retain the fees they now receive, according to the provision of the Act passed in 1825, I would suggest to your Lordship the justice of estimating the allowances of our

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Suggestions for an alteration of the Consular System.

Consular agents by a new scale, for the principle upon which they are now based certainly bears no relation either to the importance of the duties they have to perform, the nature of the climate, or the price of all the necessaries of human existence at the places to which they are appointed. As an instance of the glaring anomalies of the present system in this respect, I shall merely point out one to the attention of your Lordship. The consul at Marseilles, exclusive of his privilege of trading, receives a salary of 600 *l.* per annum; while the vice-consuls at Panama, Lima and Valparaiso, who have not the privilege of trading, receive only, the former 800 *l.* per annum, and the two latter 700 *l.* Now, without dwelling upon the great difference of climate, I will only beg your Lordship to recollect that the relative value of money in South America and in France is as six to one in favour of the latter country; and I am convinced that your Lordship will admit both the necessity and the justice of graduating the measure of the consular allowance by a scale based upon a due consideration of the circumstances to which I have adverted.

Such, my Lord, is the nature of the plan I have now the honour to submit to your Lordship, who will please observe that it is no untried experiment, or wild and undigested theory, but simply the modification of a system once partially in force, applied, on a very reduced scale to our whole consular system. Still I have not the vanity to suppose it will meet, in its ensemble, your Lordship's approbation. I transmit to you, in the hope that, should the principle be admitted, the details more skilfully elaborated by others may be found useful in attaining the important desideratum of imparting a greater efficiency to an establishment so vitally connected with the commercial and manufacturing interests of this country.

I have, &c.

The Viscount Palmerston, &c. &c. &c.

(signed) *George Herman.*

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Appendix, No. 15.

Consular jurisdiction in the Levant.

Papers relating to Consular Jurisdiction in the *Levant*.

(1.)—Extract of a REPORT from Lieut.-colonel *Campbell*, His Majesty's Agent and Consul-general in Egypt; dated Alexandria, 1833.

Consular Jurisdiction.

I now lay before your Lordship a difficulty in point of jurisdiction, that may at any time involve a British consul in the Levant into very great responsibility.

2. The Act 6 Geo. 4, c. 33, s. 4, grants to His Majesty's consuls in the Levant the same authority that was exercised by the Levant Company's consuls, &c.

3. It appears, from a letter of the solicitors of the late Levant Company, of the 8th June 1812, a copy of which is herewith enclosed, that "though the consul may use his influence with a British subject to induce him to do justice to a foreigner, yet he cannot decide between them, because his doing so presumes a power to decide against the foreigner, which he has no right to do; nor can it be material he should have any such right, as the authorities of the country are open to the foreigner, whose case will be decided upon in the proper courts."

4. Now, it is incorrect to say that the authorities of the country are open to the foreigner, such not being the case; and there is not a single Turkish authority in Egypt, that would not answer, upon the complaint of one European against another, that he has no power over them, and that he must apply to his consul for redress. It is therefore material that a consul should have power to decide when the question is within the limits of his competence.

5. This competence is thus established in this country. In any one case there is naturally a plaintiff and a defendant.

6. The consul of the defendant, when the complaint is laid before him, assembles two or four merchants or residents, named assessors, and decides upon the merits of the case. If the plaintiff is declared to have no grounds for complaint, he may be condemned by the court to the costs of the suit, but to the costs only; and such are the limits of the power which consuls have over subjects of other nations.

7. But in case the plaintiff is found to be indebted to the defendant instead of being his creditor, then the court absolves the defendant from the charge brought against him, leaving it to his option to attack the party before the competent court, to condemn him, that is, before his national consul; and from this it will appear that every European is thereby judged by his own countrymen.

8. But the privileges acquired by Europeans in the Levant go still further, and, generally speaking, unless the case is a very serious one, the Government itself sends its own subjects, who have to complain of foreigners, to their respective consuls for justice; and it is generally understood that every European in Egypt, except when guilty of a capital crime on the person or property of an Ottoman subject or against the State, lives under the laws of his country; and the exclusive jurisdiction of the consul of his nation.

9. The

9. The loss of such extensive and beneficial privileges that have been the work of centuries, would be considered as the greatest calamity by every European in the Levant; and your Lordship may easily conceive how much every one of them is interested in their maintenance, particularly in a country where the total want of written law, renders every sentence the expression of the caprice of the magistrate who awards it, and where the Turkish magistrates, who are invariably selected among the religious people, are imbued with prejudice and hatred against the Christians.

10. It is certainly worthy of your Lordship's attention; and in placing this point of jurisdiction upon a legal footing, by granting to His Majesty's consuls the same authority which is exercised by Foreign consuls, videlicet, to decide between two Europeans of different nations, always within the limits now in force by usage, as above described, your Lordship will have established the permanent security and happiness of His Majesty's subjects which reside in the dominions of the Grand Seignor, a benefit which would likewise be felt by the navigators resorting to the numerous ports of this empire.

11. It is at the same time well to inform your Lordship, that British consuls, feeling as they do the utmost necessity of their acting upon that principle, have invariably done so at their own peril, and your Lordship will easily conceive that in case they were to refuse justice to foreigners when complaining of an Englishman, it must at last induce the foreign consuls to deny justice to Englishmen complaining of their countrymen until they meet with the reciprocity to which they feel they have a right on the part of the British authorities.

(2.)—REPORT from Messrs. *Freshfield & Kaye*, Solicitors to the *Levant* Company.

Sir, London, 8 June 1812.

We have given the best consideration in our power to the various questions you have submitted, which involve matters of deep importance, and to be answered fully would occupy much of the attention of the Company, and a reference to numerous authorities of miscellaneous classes, but as that would be less convenient to the Company, we shall state the short result as applicable to each point.

The questions you proposed may be reduced to the following; viz.

1. The legal extent of the authority of the Company's consuls in Turkey over the persons and property of His Majesty's subjects.

2. The authority of the consuls of the King, or those appointed immediately by His Majesty's Government.

3. The construction to be put upon Mr. Morier's commission as consul-general.

4. The nature and extent of the Company's authority over their own officers, with a view to enforce obedience to their orders.

The first will be found the most important question, because it embraces every consideration applicable to the two succeeding questions, and in substance furnishes the answers to them. We shall, therefore, treat this question more fully on that account.

It does not appear that the term consul was known in England to designate a civil officer as connected with British interest previous to the reign of King Richard the Third. Until that period it was understood in its primary signification, and meant an earl, and its subsequent application to a person holding the appointment of a civil magistrate, was probably derived from the Romans; in that sense it was adopted by the Emperor Federick of Germany, in 1162; and Richard the Third, in 1485, appointed Lorenzo Strozzi, a merchant of Florence, to be the consul of the English merchants at Pisa and the adjacent countries, to which appointment His Majesty was moved "by observing from the practice of other nations the advantage of having a magistrate appointed for settling disputes among them." It is therefore clear, that in the first appointment ever made by any power in this country, of a consul, the office of a judge formed a part of his duty, and seems to have been the principal object of his appointment, and accordingly the King is said to have "delegated to him (Strozzi) the power of hearing and summarily determining all disputes between English subjects in those parts, and doing all other things pertaining to the office of a consul."

In 1640, his late Majesty King Charles the First appointed a consul-general at Alicant, and his commission contained the following preamble:—

"Whereas we are given to understand how convenient and necessary it is for the good of our loving subjects trading to Alicant, to have some person of judgment and experience able to govern and direct them in their just and lawful occasions, to be placed and appointed as consul there."

By the articles of peace between the King of England and the Sultan of the Ottoman Empire, it is stipulated (article 16), that the Turks are not to intermeddle in differences between the English, but those differences are to be settled by their own ambassadors or consuls, according to their own rights and laws.

The Levant Company's charter (section 17), contains a power to appoint consuls in all places of the dominions, &c. of the Grand Seignor, and other places within the Levant Seas; and that the consuls and vice-consuls so named "should have authority and power to govern all and singular merchants, being subjects of him (His Majesty), his heirs and successors, as well of the said Company, as others which were not of the said Company, and

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Consular jurisdiction in the Levant.

their factors, agents and servants trading in merchandize in the seignory, &c.; and to administer to them and every of them, full, speedy and upright justice in all their plaints, causes and contentions amongst them, begun and to begin in the said dominions, and to pacify, decide and determine all and all manner of questions, discords and strifes, in any the seignory, &c. moved and to be moved for the better government of the said merchants in the seignory, &c." The consuls are further to have full power to do and execute all things which should be by the Company appointed and presented according to the statutes, acts and ordinances of the Company.

Section 19 empowers the Company to make, ordain and establish statutes, laws, orders, constitutions and ordinances, as well for the government of the Company as of other British merchants engaged in the trade; and they are particularly authorized to ordain limit and provide such pains, punishments and penalties, by imprisonment of body or by fines or amerciaments, or by all and every of them, to be extended upon and against all and every offender contrary to such statutes, &c. as to the said Company should seem requisite.

It is further provided (section 21) if any merchant should refuse to pay or should not pay the assessment which the Company were authorized to make, or should offend against the trade, privileges, &c., or against the statutes, ordinances, &c., or should refuse to pay the fines, penalties, &c. within this realm or elsewhere, "it should be lawful for the said Company and for the consuls and vice-consuls abroad, such obstinate offenders and ill-doers to chastise and correct, by imprisonment or otherwise, by fine, amerciament, or other reasonable punishments, according to the quality of the offence, as by the said government, &c. should be ordered and adjudged."

From these authorities and other powers conferred by the charters, it appears to us, first, the consuls have power to hear and decide upon all differences between British merchants engaged in the trade; second, to carry their decisions into effect; third, to enforce obedience to any regulations the Company may make, and to punish the breach of them; fourth, the Company have authority to make regulations regarding every matter connected with their trade, not inconsistent with the charter.

Thus you will observe there is no want of power on the part of the consuls to do whatever the Company think proper to have done, and that it is of the utmost importance the Company should, in the shape of ordinances, &c. define the subject matter of their authority, and the way in which it is to be exercised; for as the power of the consuls is altogether derivative, the Company cannot be too specific in their authority, so that whatever is done may become the act of the Company put in force by their consul.

It is scarcely necessary to state, that though the consul may use his influence with a British subject to induce him to do justice to a foreigner, yet he cannot decide between them, because his doing so presumes a power to decide against a foreigner, which he has no right to do, nor can it be material he should have any such right, as the authorities of the country are open to the foreigner, whose case will be decided upon in the proper courts. The case put by Mr. Werry in his letter to the Company, dated 3 April 1812, will be answered by applying this remark.

We have thus shown the extent of the authority of the consuls of the Levant Company, which, in few words, is to decide between one British subject and another, in such course as the Company shall authorize, and to enforce the due observance by British subjects, of the ordinances of the Company.

Upon the second question it is not necessary to say more than that we apprehend there can be no distinction between the consuls of the King and those of the Levant Company, the difference consists in the source of their appointment and not the nature of their office; the one is appointed by the King in a country to which all the subjects of His Majesty have an equal right to trade, the other is appointed by the Company, who, in consequence of a grant from the King, have acquired among other rights the power to make regulations in respect of a particular trade, which His Majesty would make as to trade in general.

The third question is in substance already answered; the meaning of Mr. Morier's commission is, that he is, to the utmost of his power, to compose and determine all differences. The extent of the power must depend upon the Company, by whom it is to be defined.

Upon the last question, namely, the power of the Company to enforce obedience to their orders, we need only refer you to the extracts already made from the charter, and to the immediately succeeding clauses; from these it appears the Company has full power to make laws for the government of the Company and the trade, and to enforce them by imprisonment or fine, or both, and the mode of levying the latter is pointed out, and all the civil authorities are enjoined to give effect to their measures; we therefore do not apprehend any difficulty can arise upon the subject.

We are, &c.

(signed) *Kaye, Freshfield & Kaye.*

(3.)—The *Levant* Company to Consul-general *Cartwright*, at *Constantinople*.

Sir, London, 12 April 1821.

1. We now transmit to you some copies of the republication of our bye-laws, which are to be in force in Turkey on the 1st of July next.

2. We have been, for a considerable time past, engaged in the revisal, and have made such additions and alterations as, upon mature reflection, we have deemed best adapted to present circumstances.

3. We

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3. We consider the arrangement of the present edition so clear, and the language of each bye-law so plain and unequivocal, as to supersede the necessity for much explanatory comment. Yet our bye-laws are but general rules. Many occurrences not provided for will arise, and it must be left to the good sense of our officers to dispose of these occurrences properly.

4. On your zeal and discretion we have the firmest reliance. We know that our business will be well conducted at Constantinople, and we confidently expect that you will do all that depends upon you to cause it to be well conducted elsewhere.

5. We approve of your suggestion to take the Turkish tariff as the rule for our consular charges. You will perceive that we have adopted it. And we direct that our bye-laws to that effect be strictly but not vexatiously executed.

6. There can be no good reason for delay in the payment of consulage when the amount is ascertained. The 40th bye-law, expressed in the words of a clause of our charter, provides a severe penalty for default in that particular.

7. The chapter on avarias is entirely new modelled. We have thereby relieved ourselves from indefinite responsibilities, which we perhaps ought never to have incurred.

8. The 39th and 40th bye-laws are highly important; with the addition of the word consul-general to the first of them, they are both literal transcripts from the charter; by which it appears that there is a power inherent in the character of consul to govern British merchants, and to decide upon their disputes, in Turkey. This power being delegated by the Crown, not to us, but to the consuls elected by us, it follows that they, not we, are responsible for the manner in which it may be exercised.

9. With this notification we might be contented. But as we are anxious to remove difficulties from the way of our officers, and to assist them in the discharge of the delicate and important duty thus imposed upon them, we have thought fit to adopt the clause in question as our 39th bye-law, and we thus expound it:

The power which we confer upon our consuls to govern British merchants, and to decide their disputes, is confined to civil matters exclusively.

10. The proper course for the consul to pursue when required to act judicially is this:—He is formally to cite the plaintiff and defendant to appear before him at a future convenient day, to be fixed by himself, for hearing their suit; and, if an affidavit of the debt has been made by the plaintiff, he is to require sufficient bail of the defendant to secure his appearance, or in default of bail, and having good reason to suspect that the defendant intends to abscond in the interval, the consul may imprison him until the day of trial, and he may, of course, also imprison in execution of sentence. But in no other cases except in those distinctly provided for by the 40th bye-law, can any British subject be imprisoned under our authority.

11. The 42d bye-law provides for appeals from consular decisions, gradually, to that of the consul-general. We have not carried them higher, because our power to direct ends there. You will, however, report all appeals to the ambassador, and submit to his Excellency's pleasure therein. As we hold our authority under the King, you are necessarily subordinate to his representative.

12. We are purposely silent in the bye-laws upon the subject of consular interference in criminal acts done by British subjects, because we are ignorant of there being any legal authority for such interference.

13. Our consuls, being forbidden to resort to the justice of the country, may occasionally be driven to the necessity of imprisoning turbulent seamen, and that necessity would no doubt be their justification to a certain extent; but now that they are also called upon frequently to take cognizance of serious crimes committed by licentious foreigners under British protection, the case takes a more grave and serious character; and we desire it to be distinctly understood that we renounce all responsibility upon the subject. We would advise our consuls to do nothing in criminal cases without precise orders in writing from the ambassador, and then to act only so far as may be indispensably necessary for the safety of society, and for the preservation of harmony with the Turkish government. This matter cannot remain long in its present uncertain state. We have reason to believe that the attention of His Majesty's Government has been called to it, and we doubt not that something effectual will be done.

We have, &c.

(signed) The Governor and Company,

J. Bosanquet, Deputy Governor,	*A. Saltmarsh.*
J. T. Daubuz, Treasurer,	*E. Lee,*
N. Thomson,	*T. Burgen,*
W. Tomlinson,	*J. Nichols,*
F. D. De la Chaumette,	*Z. Levy.*
N. Kerr,	

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Consular jurisdiction in the Levant.

(4.)—The *Levant* Company to their Consuls in the *Levant*.

Sir, London, 12 April 1821.

HAVING republished our bye-laws with such amendments as we have judged expedient, we forward to you herewith some copies for your immediate use.

You will observe, that they are to be in force on the 1st of July next.

The 39th and 40th bye-laws, declare the extent of the judicial authorities vested in our consuls.

The 42d provides for appeals from their decisions to the consul-general, who will report thereon to the ambassador.

The consul-general will, from time to time, give you explanations upon this important subject; and we trust you will never forget, that consular decisions may be revised in the superior courts of England.

We are, &c.

(signed) The Governor & Company,

J. Bosanquet, D. G.
J. T. Daubuz, Treasurer,
N. Thomson,
W. Tomlinson,
F. D. De la Chaumette,
N. Kerr,
A. Saltmarsh,
E. Briggs,
W. Hore,
J. W. Boddington,
E. Lee,
Z. Levy,
J. Nichols.

(5.)—Extracts from the BYE-LAWS of the late *Levant* Company, relating to Consuls and Cancelliers.

Consuls.

37. IT appearing to the Company of great importance to establish due subordination among their officers abroad, they have for some time past appointed one of their consuls to be consul for the whole dominions of the Grand Seignor and other places in which the Company have the privilege of trade, under the denomination of consul-general, but without in any manner superseding the several consuls in their respective districts, except as to Constantinople and its dependencies, for which the said consul-general is the exclusive consul.

38. The consul-general, consuls and vice-consuls, shall not act in those capacities for other nations; but they may protect strangers provided their protection can be granted consistently with the good faith due to the Turkish government, and without prejudice to British interests; provided also, that the protected pay consulage according to the Company's rates, and all incidental expenses.

39. The said consul-general, consuls and vice-consuls, and every of them, shall have authority and power to govern all and singular the merchants, being British subjects, as well members of the Company, as others which are not of the said Company, and their factors, agents and servants trading in merchandize into the dominions of the Grand Seignor, and other places in which the Company have the privilege of trade; and to administer to them, and every of them, full, speedy and upright justice in all their plaints, causes and contentions amongst them, begun, and to be begun in the said dominions and other places aforesaid; and to pacify, decide and determine all and all manner of questions, discords and strifes amongst them, in any of the dominions and places aforesaid, moved and to be moved, for the better government of the said merchants in the dominions and places aforesaid, for the time being.

40. If any British subjects, trading or residing in any port of the Company's privileges or government beyond the seas, shall at any time hereafter, refuse to account with their principals within six months after an account shall be required, and notice thereof given, or to pay the Company's duties, and shall in any matter or thing, decline the justice of the English ambassador, or agent, or resident there, or of the consuls or vice-consuls appointed by the Company, and shall appeal from them, or any of them, to any judicatory court of justice belonging to the Grand Seignor, or any foreign prince, potentate or magistrate beyond the seas; then, in every such case, the ambassador, consuls and vice-consuls, and every of them, shall have power and authority from time to time, so often as they or any of them shall think expedient, to send over in safe custody such persons, being British subjects, not being duly and lawfully qualified as a public ambassador or agent, employed by His Majesty, his heirs or successors, to the end that such offenders, being brought over unto this country, they may receive justice according to their several cases and demerits.

41. The preceding article to be construed without prejudice to the power of decision conferred by the charter granted by his late Majesty King Charles 2, bearing date the 2d day of April in the 13th year of his reign; and also by article 39, upon consuls and others to decide in all controversies, and the right of such consuls and others to enforce by all necessary measures the powers so conferred. And in case the claimant, together with the factor or other alleged debtor, shall prefer to have their differences settled in England, it shall be competent to the consul-general, or consul, or vice-consul, to take bond

bond from such factor or other alleged debtor, and two other persons approved of by such consul, that the said factor or other supposed debtor will immediately plead to, and abide by the result of any suit at law, or in equity, that may be brought by the claimant against him in the United Kingdom.

42. The powers contained or referred to in the before-mentioned articles, Nos. 39, 40, and 41, are to be put in force in Constantinople and its dependencies by the consul-general only, and in other places by the resident consul in his proper district; and no vice-consul shall presume to put the same in force, except in districts where there shall be no resident consul, unless by the express authority of the consul-general, or the consul for such district. And in any cases in which the authorities aforesaid, or any or either of them, shall be carried into effect by the vice-consul, it shall be his duty to report the whole of his proceedings to the consul residing within the district, or if there shall be no such resident consul, then to the consul-general; and in like manner, the proceedings of all consuls under the authority of the said articles 39, 40, and 41, shall be reported by them respectively to the consul-general; and it shall be competent to such consul-general or consul (as the case may be), upon appeal by any party conceiving himself or herself aggrieved by such proceedings, or the determination of such consul or vice-consul, or without such appeal, to examine and review the same, and to confirm, revoke or alter the whole or any part thereof, as justice may require.

43. The consul-general and the consuls, at the request of the majority of the factors at their several stations, in case of disability or misdemeanor on the part of any cancellier, dragoman, giovane di lingue, or other subordinate officer, may suspend him from his office, and substitute a competent person, until the Company's pleasure be known; and if the cause of such suspension shall have been referred to the Company, the person suspended cannot be reinstated but by their order. In the event of the death of any subordinate officer, the consul-general or consul, with the consent of the majority of the respective factories, shall appoint others until the Company's pleasure be known.

Cancelliers.

66. Cancelliers, upon their entrance into office, shall be duly sworn to perform their several duties; and they shall not be concerned in trade.

67. Cancelliers shall take minutes of and register all transactions of assemblies of factories. They shall register the Company's orders in a book, solely for that purpose. They shall receive in deposit and register all wills, contracts and other documents of importance, in the manner required by the persons tendering such documents. They shall not, upon any pretence, refuse to enter any writing; nor shall they alter the minutes of any passed assembly of a factory, nor suffer the same to be altered.

68. All sums of money deposited in the cancellerias of Constantinople and Smyrna, are to be paid immediately to the Company's treasurers, who are to hold the same until the matters for which such deposits were made shall be adjusted. Accounts of the sums deposited, and upon what occasion, also to whom, and by whose orders they were retained, shall be registered in the cancelleria, and copies of the same transmitted to the Company. But the Company will not be responsible for the loss of money or other property so deposited, resulting from any accident whatsoever, other than from the wilful neglect or malfeasance of their officer or officers. Nor will the Company be responsible in any case for money deposited, unless notice in writing shall be given to the Company's treasurer at Constantinople or Smyrna (as the case may be), by the person making such deposit, within 14 days after such deposit, stating the particulars of the sum paid, and of the purpose for which the deposit shall have been made.

(6.)—Extract from a REPORT from His Majesty's Consul-general at *Constantinople*, dated October 1825.

Consular Functions.

The Porte having granted to the ministers and consuls of the several nations with which they have treaties, the right of jurisdiction in all cases of differences between the subjects of their respective governments, the official duties of consuls in the Levant are thereby rendered more extensive and important than those of consuls in other countries.

2. They have to exercise a police over the crews of vessels of their flag, and also over the subjects of their government who may be established and living within their districts.

3. They have to settle all differences in commercial and other matters which may arise between the subjects of their government, not only by conciliatory adjustment, but often by written decisions or sentences, which they are also sometimes required to enforce the execution of.

4. The capitulations give them authority both in civil and criminal matters.

5. It is desirable that the British consuls had the nature and extent of that authority defined to them, and that regulations were made for their guidance in judicial proceedings.

6. The Levant Company, no doubt, considered that they were only competent to make regulations consistent with their charters, and they therefore confined themselves in their bye-

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bye-laws to regulations for their own particular establishment, and for the mode of appeal and execution of consular decisions in differences between merchants.

7. The Company ordained by the 42d bye-law, that appeals should be made to the consul-general, because, as they were no longer in connexion with His Majesty's embassy, their power to direct did not go higher.

8. But, on every consideration the final appeal should be to His Majesty's representative at the Porte.

9. No vice-consul or agent should be allowed to execute a decision, without the express authority of the consul of his district, to whom he should report his proceedings.

10. In cases of appeal from decisions of the consuls, they might be authorised to exact from the parties a provisional execution of the sentences, either by the deposit of the amount awarded, or by satisfactory security.

11. In such appeals there are two modes of proceeding to be considered.

12. The appeal may be first made to the consul-general, who alone, or with the assistance of assessors to be chosen by himself, would decide therein. A short term of days might be allowed to the parties, to acknowledge or object to his decision. In the latter case the consul-general would lay the case before His Majesty's ambassador or minister, together with the objections of the parties, and the ambassador or minister would decide finally thereon.

13. Or, the appeal may be transmitted to the consul-general, to be by him submitted to His Majesty's ambassador or minister. The consul-general would be the official assessor on such occasions, and he would, with other assessors, if required, assist the ambassador or minister in deciding upon it.

The latter mode is attended with less delay, but the former provides perhaps more effectually for the obtainment of a satisfactory decision, and would naturally be adopted in cases originating in the particular consulate of Constantinople, in order to provide for a revision of the consul-general's decision in the first instance.

These suggestions are made on the assumption that consular courts in the Levant are to be regarded as local tribunals, from which there would be no appeal to courts in England.

But the French and Russian governments have established courts of appeal in those countries for consular decisions, and the Russian government has by a late decree declared, that foreign subjects, not Ottomans, resident in Turkey, are, in their differences with Russian subjects, when the latter are defendants, subject to that mode of appeal.

French subjects resident in Turkey consider that they possess the same privilege, and it would appear that the French embassy are inclined to support their pretention, since it has insisted upon trying causes between French and other foreign subjects, not Ottomans, according to the forms prescribed by the French ordinances, and not by mixed commissions as formerly, which were appointed by both the protecting authorities of the parties in dispute.

The Austrian consular offices in Turkey are regarded as local tribunals, and the Austrian government has declared that the supreme court of appeal in Austria cannot take cognizance of their decisions, being incompetent to decide upon circumstances connected with the local customs of a foreign country.

The final appeal is to the imperial internuncio at the Porte. Mixed commissions are also in disuse with the Austrian mission.

The capitulations granted by the Porte, allow to each government jurisdiction in the affairs of its own subjects residing in Turkey.

The French and Russian are the only capitulations which contain any reference to the mode of settling differences between subjects of different governments.

The 52d article of the French capitulations, refers the consuls and the parties in such differences, to their ambassador.

The mixed commissions formerly resorted to on such occasions, are analogous in principle to the spirit of that article.

If mixed commissions are not now so generally resorted to as they were formerly, it is also certain that the legations are not bound to the observance of any other particular mode of proceeding.

It is desirable that a general mode of proceeding in such cases be established, either by the legations or by their governments.

The 58th article of the Russian treaty appears to leave the final decision in differences between Russian and foreign subjects, to the Russian minister at the Porte.

But it is to be considered, if the Porte could grant such a privilege to one government, without the consent of the other, whose subjects are affected by it, and who are thereby exposed to the possible inconvenience of having to seek ultimate redress by an appeal to a distant tribunal in Russia.

Should the British Government consider it expedient to establish a court of appeal for consular decisions, the mode of appeal suggested in the memorandum might still remain available to the parties in dispute, on their consenting to renounce the appeal to the court in England.

(signed) *John Cartwright.*

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(7.)—LETTER from the Under Secretary of State to His Majesty's Law Officers.

Gentlemen, Foreign Office, 20 October 1825.

In reference to the Act of the 6 Geo. 4, c, 33, by which the laws respecting the late Levant Company were repealed, and the possessions and property of that Company transferred to His Majesty's Government, I am directed by Mr. Secretary Canning to request that you will take into your early consideration, and report to Mr. Canning your opinion, whether His Majesty's ambassador and consuls in the Ottoman dominions can legally exercise the authority and jurisdiction over British subjects resident therein, which was entrusted to the Levant Company and their consuls by the late charter; as well as the authority with which the British ambassador and consuls are vested by the capitulations and treaties between Great Britain and the Porte; and should you be of opinion that they cannot legally exercise the same, I am to request that you will acquaint Mr. Canning whether it would be expedient that any, and if any, what measures should be adopted to enable His Majesty's ambassador and consuls to exercise over the British and Ionian subjects in the Levant a proper authority and jurisdiction.

For your more easy consideration of this subject, I enclose copies of the documents above-mentioned, together with a copy of the bye-laws of the late Company, and of their proceedings respecting the surrender of their charter to the Crown.

His Majesty's Advocate, Attorney, and Solicitor-General.

I am, &c.
(signed) *Joseph Planta.*

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(8)—REPORT from His Majesty's Law Officers, to the Right Hon. Mr. Secretary *Canning*, &c. &c. &c.

Sir, Doctors' Commons, 23 September 1826.

We are honoured with your commands, signified in Mr. Planta's letter of the 20th of October 1825, in reference to the Act of the 6 Geo. 4, c. 33, by which the laws respecting the late Levant Company were repealed, and the possessions and property of that Company transferred to His Majesty's Government; and you are pleased to direct, that we would take the same into our consideration, and report to you our opinion, whether His Majesty's ambassador and consuls in the Ottoman dominions can legally exercise the authority and jurisdiction over British subjects resident therein, which was entrusted to the Levant Company and their consuls by the late charter, as well as the authority with which the British ambassador and consuls are vested by the capitulations and treaties between Great Britain and the Porte; and should we be of opinion that they cannot exercise the same, you are further pleased to request that we would acquaint you whether it would be expedient that any, and if any, what measures should be adopted to enable His Majesty's ambassador and consuls to exercise over the British and Ionian subjects in the Levant a proper authority and jurisdiction.

In obedience to your commands, we have the honour to report, that we are of opinion that all such rights and duties of jurisdiction and authority over His Majesty's subjects resorting to the ports of the Levant for trade, or otherwise, as were legally exercised and performed by the consuls or other officers appointed by the Levant Company, before the surrender of their charters, may now be legally exercised and performed by ambassadors, consuls or officers appointed by His Majesty under the operation of section 4, of the statute 6 G. 4, c. 33. We must observe, however, that upon reference to the charters and regulations of the Levant Company, a considerable doubt may arise whether some of the powers which seem to have been committed to their consuls, could be legally exercised, and particularly the general powers of fine and imprisonment, mentioned in 17, 19 and 20 sections of the charter of Charles 2, and the power in certain cases of sending back His Majestys' subjects to this country, which is mentioned in No. 40 of the bye-laws. We, therefore, submit, that if it be thought expedient by His Majesty's Government that such powers, as above alluded to, should be exercised by tne consuls or officers to be appointed by His Majesty, it would be proper to resort to the Legislature on the subject.

We have the honour to be, &c.

(signed) *Christopher Robinson.*
Charles Wetherell.
N. C. Tindal.

(9.)—Provisional Instructions given by His Majesty's Consul-general at *Constantinople* to His Majesty's Consul at *Smyrna*, on the Nature of the Jurisdiction which he is to exercise in Judicial Proceedings.

1. As the Right Honourable the Earl of Aberdeen's despatch, No. 1, of the 25th May last, and the set of general instructions addressed to His Majesty's consuls which accompanied it, contain ample directions for Mr. Brant's guidance in the general duties of his office, I consider that it only remains for me to draw out instructions on the nature of the

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jurisdiction which he has to exercise over His Majesty's subjects, and respecting the forms to be observed by him on judicial proceedings.

2. It is known to Mr. Brant that the Grand Seignor having granted to the ministers and consuls of the several nations with which the Porte has treaties, the right of jurisdiction in all cases of differences between the subjects of their respective governments, the judicial duties of British consuls are consequently more extensive in Turkey than they are in other countries.

3. They derive authority from the capitulations, both in civil and criminal matters; and His Majesty's Government will most likely hereafter cause the nature of that authority to be particularly defined to the consuls, and establish regulations for their observance in judicial matters.

4. Mr. Brant's attention to the following observations and instructions will, I trust, afford him for the present sufficient assistance in the discharge of his judicial duties, until he receive final orders from home for his permanent guidance.

5. Mr. Brant may undoubtedly consider that the authority of the King's consuls in the Levant is equal to that which they enjoyed under the charters and bye-laws of the late Levant Company, with the exception perhaps of the power conferred in the 40th bye-law, of sending British subjects back to England in certain cases, and I would advise him, on no occasion, to resort to such a measure, which, moreover, is unnecessary, because he possesses sufficient power to enforce obedience to his jurisdiction from any of His Majesty's subjects in his district, who should attempt to decline it, by appealing to a court of justice of the Grand Seignor.

6. Mr. Brant's interference in commercial differences will not only be called for, in cases in which both parties are British subjects, and consequently both are amenable to his jurisdiction, but also on occasions wherein one party, either claimant or defendant, may be the subject of another Christian power, possessing equal privileges with ourselves, or of the Ottoman government, whose differences with the subjects of other governments should more properly be carried before the local tribunals.

7. I will first consider the consular duties in cases wherein the parties are British.

8. The consuls under the late Levant Company were bound by their articles of agreement to administer speedy and impartial justice in all differences submitted to them, and it will, of course, be Mr. Brant's duty to decide in all cases that may come before him in as short a time as he conveniently can do so, with due attention to the circumstances of the affair.

9. The course for him to pursue, when all attempts to settle amicably having failed, he is required to act judicially, is the following:—

10. He will formally cite the plaintiff and defendant to appear before him at a future convenient day, to be fixed by himself; and he will then hear and decide upon their differences by a written sentence, in which he will state the considerations which have guided him in his decision; and more particularly when they have reference to any established usage of trade peculiar to his place, or not generally observed elsewhere.

11. He will then cause the sentence to be communicated by copy to the parties.

12. It has been customary at Smyrna, for the consul to have the assistance of assessors at his judicial sittings; but Mr. Brant will consider that, though the practice be proper and equitable, yet it is not absolutely necessary for him to choose assessors; and that as the judicial authority is vested in him solely, and that they are not affected by any responsibility, so he, when he is attended by assessors, may decide according to his own opinion and conviction, though they may differ with him therein; but they should not be prevented from signing, in the sentence, their dissent from the substance of it.

13. I do not know that Mr. Brant can officially require the attendance of our merchants to act with him as assessors without previously obtaining their consent, as is practised in some foreign consulates, where the ordinances of their governments authorize a summons to that effect. Considering the nature of the duty they are called upon to assist at, it would, I think, be desirable that their attendance were rather voluntary on their part than the effect of a requisition. But if Mr. Brant should experience any inconvenience from the unwillingness of the merchants to assist him, His Majesty's Government might perhaps be pleased to authorize him to require their attendance.

14. After communication of the sentence, Mr. Brant may, if required thereto, arrest the debtor in execution of it; and, indeed, before the hearing the suit, if the plaintiff make an affidavit of the debt, and the defendant give not, at his requisition, sufficient bail to secure his appearance, Mr. Brant, having good reason to suppose that he intends to abscond in the interval, may imprison him until the day of trial.

15. The 42d bye-law of the late Levant Company provided for the appeal from consular decisions to that of the consul-general, and that course Mr. Brant will continue to hold in observance; but the consul-general need not, and perhaps should not, receive the appeal, if the sentence, in first instance, of the consul or vice-consul has not been provisionally executed, either by a deposit of the amount of the debt, by satisfactory security to the plaintiff for the amount, or by the arrest of the debtor.

16. The latter measure need not of course be resorted to when either of the other modes can be adopted; and in case the parties agree to make a voluntary deposit in the hands of a third person, Mr. Brant should not oppose it, nor order the deposit to be made either

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in his own office or elsewhere, when the plaintiff is satisfied with a security offered to him, though he may require that the surety and depositary may be persons under his own jurisdiction.

17. The Levant Company did not carry the appeal higher than the consul-general, because, after their connexion with His Majesty's embassy had ceased, their power to direct did not go higher.

18. But if the consul-general's decision should, in any part thereof, be objected to by the parties in the appeal, his Excellency the Ambassador will examine their objections, and reverse or alter whatever may be found defective in the consul-general's revisal of the sentence.

19. In cases of differences between British subjects and those of other Christian governments, when the British party is defendant, the suit will lay before Mr. Brant. His proceedings in it will be nearly similar to those in British suits, and the course of appeal will be precisely the same.

20. If Mr. Brant should have to try the suit with assessors, it would be equitable to choose a part of their number from among persons who might be agreeable to, or recommended by, the protecting authority of the claimant; and that mode of selecting them should undoubtedly be observed, when the other authority is disposed to adopt it, in trying the suits of British claimants.

21. It has happened, and inconvenience has resulted from it, that differences have been brought before the consuls which, in consequence of the various jurisdictions existing in the Levant, contained matter for cross actions; and the consul having condemned the foreign plaintiff in what attached to him, the consul of his nation has refused to execute the sentence.

22. When such cases occur, Mr. Brant will do well to carry his decision no further than to absolving the British defendant from what may appear to have been unjustly claimed from him, and then refer him for his claim on the foreigner to the tribunal of the latter.

23. In mixed suits, when the British party is plaintiff, it will be Mr. Brant's duty to cause his representations to be transmitted promptly to the consulate which has to take cognizance of his claim, and to support them by his own remonstrances when he complains with reason of irregularity in its proceedings towards him.

24. The consular jurisdictions in the Levant have not a common mode of appeal, so that the merchants of Smyrna should be warned that, in their claims upon French, Sardinian and Russian subjects, they may have to carry their final appeals to courts in those countries.

25. I have understood that the consul has occasionally decided, at Smyrna, in suits between British and Ottoman subjects, in the manner observed when both parties are British. The practice is irregular, for the consul has no jurisdiction in such cases, and the proceeding might be useless altogether if the Ottoman party, not being satisfied with the sentence, were to refuse to abide by it, for the consul has no means of enforcing his observance of it.

26. It would be preferrable not to decide in those cases by written sentences, or in strict judicial form; but to hear the parties, and endeavour to accommodate their differences, unless indeed the Ottoman authority agree to or intervene in the application to Mr. Brant's jurisdiction, or that the practice alluded to is general at Smyrna, and not peculiar to the British consulate, and has been so long established that a departure from it now might be attended with much inconvenience.

26½. The late Levant Company have never noticed in their bye-laws the subject of consular interference in criminal matters, nor has His Majesty's Government yet communicated to the consuls any legal authority for their interference in criminal acts done by British subjects.

27. When such acts are committed against the King's subjects, as the Turkish Government has renounced its jurisdiction therein, and has granted it to the ambassador and consuls, the local authorities might refuse to interfere, and the guilty might thereby escape punishment.

28. This matter will no doubt be thought deserving of the attention of Government, and we may hope that something effectual will be done in it.

29. In the mean time, as the consuls are forbidden to resort to the justice of the country, they will occasionally be under the necessity of imprisoning turbulent seamen and others, and that necessity would no doubt be their justification to a certain extent.

30. Considering to what classes those of His Majesty's subjects belong who settle or travel in the Levant, there is reason to hope that the consuls will not be called upon to take cognizance of any grave crimes committed by them, but it is not so with regard to foreigners under British protection.

31. When cases of the latter description occur, it may be necessary for the safety of society, and for the preservation of good harmony with the Turkish government, that Mr. Brant should interfere; and he would then do well to secure the persons of the delinquents, and report the circumstances of the particular case to me, in order that I may obtain instructions from His Majesty's ambassador for his further proceedings.

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32. Mr. Brant should bear in mind that the citizens of the Ionian States are entitled to his protection in an equal degree with the King's own subjects, and that they are by treaty entitled to the same privileges in this country.

33. By the navigation laws of those states, foreign-built vessels becoming the property of their citizens are entitled to naturalization, and foreign vessels are frequently purchased in the Levant by Ionians, with which they proceed to their islands to procure the necessary documents for their navigation.

34. In such cases, when application is made to Mr. Brant for a pass, he may grant it for the voyage to the Ionian Islands, on receiving satisfactory security for a sum never less than half the amount of the value of the vessel, that she will proceed direct to the islands for the purpose stated, unless he should see cause for granting permission to the master of such vessel to touch at any port in his course, or not deviating much from it. Mr. Brant is in no other circumstances competent to give passes to vessels not otherwise authorized to navigate, and I recommend this instruction to his particular attention, for I have to regret, that although circular communications to the same effect have been addressed to the consuls in the Levant, they have not been generally attended to.

It is impossible to provide for unforeseen occurrences, but should Mr. Brant find himself embarrassed by circumstances of a novel nature, if he will report them to me, I will not fail to attend to his representations and to lay them before His Majesty's embassy if necessary.

(signed) *John Cartwright.*

(10.)—REPORT from the King's Advocate to the Right Honourable the Earl of *Aberdeen.*

My Lord, Doctors' Commons, 30 April 1830.

I AM honoured with your Lordship's commands, signified in Mr. Backhouse's letter of the 22d instant, with reference to my report of the 3d, on the provisional instructions which His Majesty's Consul-general at Constantinople addressed to His Majesty's consul at Smyrna, and transmitting the draft of a letter to Mr. Consul-general Cartwright, which your Lordship has caused to be prepared in conformity with my report above referred to. And your Lordship is pleased to request that I would take the same into consideration, and acquaint your Lordship, more particularly with reference to the last paragraph, respecting the question of consular jurisdiction in criminal cases in the Levant, whether it appears to me to be right and proper.

In obedience to your Lordship's commands, I have the honour to report, that I have perused the draft of the letter proposed to be addressed to Mr. Consul-general Cartwright, and am humbly of opinion that, so far as regards the exercise of jurisdiction by His Majesty's consuls in civil causes, between British subjects in the Ottoman dominions, it is perfectly correctly and proper; but I humbly submit to your Lordship's consideration, whether it may not be expedient to omit, altogether, the latter part of the letter, which applies to consular jurisdiction in criminal cases, and to leave the matter in its present state. Mr. Cartwright observes, that the Levant Company had never noticed in their bye-laws the subject of consular "interference in criminal matters," from which I am led to infer, either that their consuls did not exercise jurisdiction therein, or that no inconvenience had been experienced in the exercise of it, from the want of instructions: and I further humbly submit, whether, if any additional sanction should be thought necessary, it will not be advisable to procure an Act of Parliament to be passed, by which the powers of His Majesty's ambassadors and consuls, and the extent of their jurisdiction, may be defined, as I entertain considerable doubts, whether any delegated authority of the Turkish goverment would be sufficient to protect them from being held responsible for any judicial acts done under it.

I have, &c.

(signed) *Herbert Jenner.*

(11.)—Extract of a LETTER from Colonel *Campbell,* His Majesty's Agent and Consul-general in *Egypt,* dated Alexandria, 9 August 1834.

"WE are much in want here of a consular code, by which our several duties and responsibilities would be clearly defined, as well as our judicial powers, &c. Might I presume to recommend the adoption of some code similar to that of France for its consuls, &c. in the Levant, wherein every possible contingency seems provided for."

(12.)—REPORT of the King's Advocate to the Right Honourable Viscount *Palmerston.*

My Lord, Doctor's Commons, 29 October 1834.

I AM honoured with your Lordship's command, signified in Mr. Backhouse's letter of the 20th instant, stating that he was directed to transmit to me an extract of a report from His Majesty's agent and consul-general in Egypt, upon the subject of the jurisdiction over British subjects exercised by British consuls in the Levant.

Mr.

Mr. Backhouse observes, that Colonel Campbell submits the expediency of instructions being furnished to those consuls, defining in some degree the extent of the power which they may consider themselves authorized to exercise in investigating and deciding upon matters wherein His Majesty's subjects are personally concerned, and of which the tribunals of the country are not willing to take cognizance; the course to be taken by them on such occasions, being always in accordance with the established custom in the Levant, and consistent with that pursued by the consuls of other nations in deciding disputes, wherein a British subject may be the plaintiff, and a subject of their nation the defendant.

Mr. Backhouse incloses copies of various papers relating to this subject, among which is a letter from the solicitor to the late Levant Company, dated in 1812, and a copy of the circular letter addressed by the Levant Company to their consuls, containing directions for the guidance of their conduct in this respect; also a copy of the instructions from His Majesty's consul-general at Constantinople to His Majesty's consul at Smyrna, relating to the forms to be observed by him in judicial proceedings in accordance with the usual practice in Turkey, and requesting that I would take these papers into consideration, and report to your Lordship my opinion as to the extent to which His Majesty's consuls in the Levant can properly exercise the important privileges in respect to jurisdiction which are delegated to them by the Turkish authorities; and as to the nature of the instructions which it may be expedient to communicate to those consuls for their guidance in this respect, with reference more especially to the contingency adverted to in the concluding paragraph of the report from Colonel Campbell.

In obedience to your Lordship's commands, I have the honour to report that I have perused the several papers transmitted to me, and am of opinion that the British consuls in the Levant have, in addition to the ordinary powers of other consuls, jurisdiction in all cases of a civil nature, where the parties are respectively British subjects: this is expressly stipulated in the 16th Article of the Capitulations with the Turkish government. It appears to have been exercised by the consuls of the Levant Company before the revocation of their charter, and under the operation of the 4th section of the statute 6th Geo. 4, may now be exercised by the consuls appointed by His Majesty.

With respect to suits of a civil nature, between British subjects and foreigners, I am clearly of opinion, that where the British subject is plaintiff, and the foreigner defendant, the British consul can have no jurisdiction; and, highly desirable as it may be, and as I conceive it is, under the circumstances, and for the reasons stated by Colonel Campbell, that the British consul should have jurisdiction in cases where the foreigner is plaintiff and the British subject defendant, I entertain great doubts whether the British consul has a strict legal right to adjudicate between them. The power is expressly disclaimed by the Levant Company for their consuls in the document of the 8th November 1812, referred to by Colonel Campbell. It does not appear to have been exercised, whether legally or otherwise, by the consuls of the Company, and therefore could not have devolved upon the consuls of His Majesty, under the statute before-mentioned. Under these circumstances, I humbly submit to your Lordship that it would be proper to resort to the legislature on the subject, and that it would be inexpedient to send out further instructions to the consuls until the statute shall have passed.

If His Majesty's Government should deem it expedient to comply with the desire expressed by Colonel Campbell, in his despatch, dated Alexandria, 1834, for a consular code of the nature therein described, I humbly submit to your Lordship that the most advisable mode of proceeding would be, that a short Act should be passed, enabling His Majesty, by an order or orders in council, to frame a code, or to make rules and regulations for the exercise of consular jurisdiction in the Levant.

Such code or rules and regulations should be drawn up with the assistance of some person or persons conversant with the affairs of the Levant, and should be perused and carefully settled by the law officers of the Crown.

If it is the intention of His Majesty's Government to confer extensive jurisdiction in criminal matters on the British consuls in the Levant, I am humbly of opinion that it cannot safely be done except by legislative enactment.

I am also honoured with Mr. Backhouse's note, dated the 25th instant, transmitting the extract of a further despatch from His Majesty's consul-general at Constantinople, relating to the above subject.

I have the honour to report, that the extract from the despatch of the consul-general at Constantinople, dated October 1825, does not in any material respect alter the view which I have felt it my duty to take of this subject, although it contains suggestions which may be useful in drawing up the proposed code or rules and regulations for the exercise of consular power in the Levant.

I have, &c.

(signed) *John Dodson.*

(13.)—INSTRUCTIONS to His Majesty's Consuls in the *Levant*, dated Foreign Office, 30 December 1834.

Sir,

His Majesty's Government having under consideration the propriety of presenting to Parliament in the ensuing Session, a Bill to enable His Majesty to issue such orders as may be deemed necessary for the regulation of the proceedings in the courts held by His Majesty's consuls in the Levant, and for defining the jurisdiction of those tribunals, I am

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directed by the Duke of Wellington to instruct you to transmit to this office, with all convenient speed, such suggestions as may occur to you on the subject; in order that His Majesty's Government may have the benefit of your practical experience, in framing any new regulations which may appear expedient, should Parliament consent to confer the necessary powers on His Majesty.

It may, perhaps, be most convenient, that you should explain the practice now observed in your consulate, and point out what appear to you to be the defects incidental to it, and the remedies most calculated in your judgment to remove them.

You will understand the present instruction to apply to your proceedings in criminal as well as to those in civil cases; and with regard to the former, you will constantly bear in mind the paramount importance of interfering, as little as possible, with the rights and liberties of His Majesty's subjects, including in this denomination the inhabitants of the Ionian Islands, who are under the protection of the British Crown.

(signed) *John Bidwell.*

(14.)—LETTER from the Solicitor to the Treasury to *J. Backhouse*, Esq.

Sir, Lincoln's Inn, 24 March 1835.

The Lords of His Majesty's Treasury, having been pleased to transmit to me, for my information and guidance in preparing a Bill for establishing the power and jurisdiction to be exercised by His Majesty's consuls in the Levant, I have prepared a Bill for the purpose, which has been submitted to, and approved of by the law officers; and I beg permission to enclose a copy, and to call your attention to the marginal observation and opinion of the law officers, at the same time returning the papers transmitted to me from the Treasury.

I am, &c.

(signed) *Geo. Maule.*

(15.)—Draft of a BILL to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the *Levant*. [*Qy.* Whether this term is sufficiently explicit.]

Whereas it is expedient for the protection of His Majesty's subjects resident at, or resorting to the different ports and places in the Levant, [we recommend after the word "Levant," that the boundaries, limits or description of places should be inserted, within which the Act is to operate.—*J. D., F. P., W. W. F.*,] as well as of His Majesty's consuls or other officers appointed, or to be appointed by His Majesty for the protection of the trade of His Majesty's subjects in the said ports and places, that provision should be made for defining and establishing the authority of the said consuls and other officers: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by authority of the same, that it shall and may be lawful for His Majesty from time, by any order or orders of His Majesty in council, to make and issue any directions and regulations, touching and concerning the rights and duties, jurisdiction and authority over His Majesty's subjects, residing at or resorting to the ports or other places of the Levant, to be exercised and performed by His Majesty's consuls or other officers, appointed or to be appointed by His Majesty for the protection of the trade of His Majesty's subjects in the ports and places before-mentioned, and the said consuls and other officers are hereby authorised and required to obey and enforce the said regulations and directions, and the same shall be effectual and binding upon all subjects of His Majesty residing at or resorting to the said ports and places, for the purposes of trade or otherwise.

See 6 Geo. 4, c. 33, s. 44.

See 3 & 4 Will. 4, c. 93, s. 9.

And be it further enacted, that if any suit or action shall be brought against any person or persons for anything done in pursuance of this Act, or of any orders or regulations made by virtue thereof, then and in every such case, such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs, defendant or defendants, shall have been within the jurisdiction of any such court, and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any justice of the peace, for acts done in the execution of his office, by an Act passed in the 24th year of the reign of King George the 2d, intituled "An Act for the rendering justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants;" and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence, and if the matter or thing complained of shall appear to have been done under the authority and in execution

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of this Act, or of any orders or regulations made by virtue thereof, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in, as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof, as any defendant or defendants hath or have in any cases of law.

We approve of this draft as altered, but if the object of the Act be to give to consuls a criminal jurisdiction, we submit that it might be proper to present the directions and regulations to Parliament for a certain time before they should be binding and effectual.

Temple, 20 March 1835. (signed) *J. Dodson,*
Frederick Pollock.
W. W. Follett.

(16.)—Vice-Consul *Brant*'s Remarks on the Jurisdiction of *British* Consuls in the *Levant.*

There exists considerable difficulty in defining the jurisdiction and powers of His Majesty's consuls in the Levant, in regard to their judicial functions, from the heterogeneous elements comprising the society in those countries.

The consuls are, or often may be, called upon to decide in civil and criminal cases, not only between persons under their own jurisdiction, but between their own subjects and those of almost all the other nations of Europe, governed by their respective laws, and also sometimes between British or British protected subjects, and subjects of the Sultan.

I will, as well as I am able, make my remarks on the different cases which may be brought before a consul, but I must premise them, by stating, that I cannot appeal to practice or experience. From the recent establishment of this consulate, from there being no British residents but the members of my own household, and only two or three Ionians settled here, I have never been called upon to exercise judicial functions. In order to direct my opinion, I have only the recollection of cases which have come to my knowledge during a long residence in the Levant. I have not had much practical experience, though I have acted on several occasions as arbitrator or assessor, but never either as plaintiff or defendant in a suit.

In civil cases, where both parties are British subjects, the practice of deciding suits, by naming assessors or arbitrators to assist the consul, appears to me a system well adapted to the constitution of society in the Levant. The Court thus formed, is one of reconciliation, rather than of justice, for I have remarked, as far as my own experience goes, that the assessors or arbitrators, have generally subtracted from the pretensions of either party, so as to settle the difference with less irritation, than would have been occasioned by the extreme of justice having been enforced; and certainly, this system is calculated to preserve harmony in the society. In Mr. Consul-general Cartwright's instructions to Mr. Consul Brant, the line of proceeding is laid down with so much judgment and precision, that I know not any better regulations can be formed, but there is still something wanting to guide the consul on many points.

The mode of naming assessors or arbitrators, and their powers, require to be distinctly defined.

Two methods of choosing them, present themselves, and in selecting either, reference must be had to the powers with which they are to be invested. One way is, to allow the parties themselves to choose them, when they would take the character of arbitrators. The other is to empower the consul to name them, and they would then be assessors.

If the responsibility of the decision be intended to rest with the consul, and if it be decided that he can give sentence, though in opposition to the opinion of the assessors or arbitrators, it would then be best, that the parties named their own arbitrators, who would become the advocates of their respective friends, and the consul alone would decide on the merits of the case; but if the consul be relieved from the responsibility of the decision, and be required only to guide the opinion of the assessors and to enforce the execution of the sentence, then perhaps the better way would be, for him to name assessors, who would in fact constitute a jury, in whose hands the decision would rest. If the arbitrators be named by the parties, their assumption of the character would be voluntary, and their remuneration may be left to custom or to particular agreement, without the interference of the consul; but if he be empowered to name assessors, they should be taken in rotation from the members of the community, and the consul should have authority to fix a suitable remuneration for trouble and loss of time.

Considering that consuls are not generally persons deeply versed in the practice of courts of law, that the society is small, that its members are mostly connected, either by relations of business, by friendship, or by family ties, I think the settlement of differences by a court of reconciliation, is better than by a court of law. If the former be preferred, to render its decisions of more force, the parties should enter into a formal engagement to abide by the sentence of the court, from which no appeal should be allowed, unless it were joined in by all the arbitrators of the appellant.

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If the court be considered one of law, the usual course of appeal must be open.

It should not be forgotten, that the cases likely to be brought before a consul, are mostly commercial, and therefore susceptible of settlement by arbitration; indeed, similar cases, when brought into a court of law in England, are often, by order of the judge, referred for decision to persons versed in the usages of commerce.

Supposing the plaintiff to be a foreign European, and the defendant a British subject, the cause will be tried before the British consul, and the usual custom of selecting assessors of the respective nations of the litigants, as equitable, may with propriety be continued. But, as stated in Mr. Consul-general Cartwright's instructions, already referred to, the power of the British consul can go no further than to exonerate the defendant from the claim of a foreigner, for he cannot enforce his sentence against a foreigner, if his own consul refuse to do so. It may however admit of consideration, whether the British consul should not be authorized to decline entertaining a cause instituted by a foreign European plaintiff against a British defendant, unless the plaintiff entered into a formal engagement to submit to the sentence, and his own consul undertook to enforce it in the event of opposition on his part. I think this might obviate any difficulties, and I do not know that any objection would be made to such engagement.

Where the plaintiff is a British subject, and the defendant a foreign European, the trial will of course take place before the consul of the defendant, and the assessors, in conformity to established usage, will be of the nations of the respective parties to the suit. If the British consul, by offering on his part to enforce the sentence, and on the part of his subject, to abide by it, could induce the foreigner and his consul to enter into a similar engagement, it would be very desirable that he did so, but if such an engagement were declined, no other means of redress would be open to the British plaintiff, than to submit to the usage of the consulate judging the cause, and to follow the mode of appeal pursued by the subjects of the nation represented by the consul.

In the capitulations of European nations with the Porte, the principle is admitted, that they should not be subject to the tribunals of the country. Mr. Consul-general Cartwright thinks it irregular for a British consul to decide a dispute between a Turkish and British subject, where the Turk is plaintiff, but it appears to me, that in such a case to admit the interference of a Turkish tribunal, were to abandon a valuable privilege, and to submit to a certain injustice. Although it is not stated distinctly in our capitulations, that such shall be the course, yet the spirit of them fully authorizes the interference, and I believe that custom justifies the practice of a Turkish plaintiff seeking redress from a British defendant, before a British consul. Were it tolerated, that a Turkish plaintiff could cite a British defendant before a Turkish tribunal, there would be no end to unjust claims, or vexatious, which might be multiplied for the sake of the bribes that must be given to the judge to evade them, and I conceive it so essential not to concede this point, that the residence of Europeans in Turkey almost depends on its maintenance. I believe that very few Turks who had a just claim, would refuse to refer it to a British tribunal rather than to a Turkish; for in the latter case, however just his cause, he must obtain a sentence by a bribe. Every Turk making an unjust claim, called usually an avania, would certainly decline to abide by the decision of a British consul.

It may be urged, that a consul has no power to enforce the sentence; but ways might be found of obviating this difficulty. The Turkish authority supporting the claim, might be induced to enter into an engagement to enforce the decision of the court; or the plaintiff might be persuaded to make a deposit, to be forfeited if he refused to abide by the sentence. If neither of these expedients, nor any other that might be devised, would be assented to, it might then become a matter of consideration, whether under such circumstances, it were not better to refuse to entertain the cause. Such suits would occasion trouble, difficulty and inconvenience, but in a far less degree than would result from obliging a British subject to defend himself in a Turkish tribunal.

Where the British subject were the plaintiff, he would have no recourse but to prosecute his claim before a Turkish tribunal, and in such case he must be prepared to make the best bargain he can, with the judge. This is all the justice he can expect; indeed, it is as much as any Turkish subject, whether Mahomedan or Rayah, can obtain from a Turkish judge.

To fix the jurisdiction of British consuls in criminal cases, is a subject fraught with difficulties, and however indispensable it is that some law or instruction should be framed to define the authority and regulate the proceedings of a consul, yet it is easier to point out the difficulties, than to suggest appropriate remedies. I confess I have little hope of being able to throw light on the subject, from my inexperience in such matters.

As far as regards British born or protected subjects residing in the Levant, from their pursuits and character, it is not likely that any criminal cases would occur, except among British sailors, or Maltese and Ionians.

The best way to dispose of the cases relating to sailors, where British interests are alone concerned, would be to deliver them over to the commander of one of His Majesty's ships of war, and should none be present, an application might be made to the admiral, to send one at his earliest convenience. Should the case occur at a place not accessible to ships of war, as for instance in the Black Sea, then the criminal had better be sent to the ambassador.

To prevent the great expense of transporting witnesses, perhaps there might be no serious objection to authorising the consul, assisted by assessors, to take depositions and cross-examine the witnesses on oath, and to admitting authenticated copies of such depositions and cross-examinations accompanying the criminal, as oral testimony.

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The sending Ionians or Maltese to their respective islands, might also be the best way of disposing of criminal prosecutions against them by British subjects, and the same mode recommended in the case of British sailors might be adopted, of sending depositions and cross-examinations taken before the consul, assisted by assessors, instead of transporting witnesses to give evidence. In such cases the Turkish authorities would not claim a right of interfering, and even if applied to, which is highly objectionable, if it can by possibility be avoided, they might perhaps decline to interfere.

Where the criminal were a British or a British-protected subject, and the injured party a foreign European, the case would be tried before the British consul. If he have no power to decide definitively, the case must be transferred elsewhere.

Where the criminal were a foreign European, and the injured party a British subject, redress must be sought in the tribunal of the consul, under whose protection the criminal may be, and the proceedings must be regulated by the laws and usages of that consulate, and of the nation to which it belongs.

But the most difficult and delicate cases to legislate for, are those wherein the injured party is a Turkish, and the offender a British subject, and should the former be unfortunately a Mahomedan, the difficulties will be very much increased.

To surrender the criminal to Turkish justice, would be equivalent to delivering him up execution without a trial; and to give him to the Turkish authorities for execution, even after being condemned by a British tribunal, might be followed by serious inconvenience. Europeans owe the tranquillity and security they enjoy among a barbarous and fanatic people, to the immunity their capitulations afford them, from any interference with them by the Turkish authorities. To claim, or to allow this interference in any case, is to weaken the bond of our security, and may induce attempts at a frequent interference, and finally bring on a state of things which might render the residence of Europeans in the country dangerous. Every person acquainted with the feelings of Turks, knows that Christians are hated, and that nothing but fear of their power restrains those feelings from manifesting themselves in an offensive manner. It must be equally well known, that if any point be yielded to a Turk, he cannot appreciate a just or liberal motive, but supposes it conceded to fear or weakness, and will not fail to demand other concessions. It is this fanatic and encroaching spirit which must be resisted, and which renders it impossible to act towards Turks, as one might be disposed to act towards a more enlightened government and people.

It cannot be denied, however, that to refuse justice in a case where a British subject had killed or wounded a Mahomedan, might be attended with very fatal consequences. The Turks cannot understand why a consul cannot order the execution of an acknowledged criminal, and his refusal to do so, would be considered by them as a denial of justice; yet I am far from recommending such power to be vested in consuls, and think it best that reference should be made to the ambassador. Cases might occur where popular excitement might render it impossible to await instructions from the ambassador, and some prompt measures might be indispensable for the safety of the whole society. Instructions should be given to the consuls how to act in such extreme cases. In most instances of the kind, money might avert fatal consequences, and to compromise wounds or death in that way, is allowed by the Mahomedan law; but as Maltese and Ionians are the persons most likely to occasion dilemmas of the nature supposed, it were well to give the consul power to inquire strictly into the character of persons coming into the Levant, and to order them away if they cannot satisfy him as to their respectability. The want of authority of this nature has occasioned some towns in Turkey to be the refuge of men driven from their own country by their crimes or misconduct, and if something of this kind be not done, serious inconvenience to the whole European society may at some future period be the consequence.

It remains only to add, that the power of the consul should in all cases be well defined. He should have the power of imprisoning in some cases, civil as well as criminal, and the mode in which he may enforce his sentences on refractory parties, should be pointed out to him.

Considering the innumerable difficulties in giving precise instructions in so many complicated cases, it were much to be desired that the persons employed to draw them up were well acquainted with the state of society in the Levant, so peculiar in itself, and so totally different from any other, perhaps in the whole world. Here is a community formed of small members of all the nations of Europe, each little circle governed by its own magistrate and laws, and all living independent of the government of the country. It can well be conceived that very complicated interests may grow out of such a state of society, and as it will be quite impossible to legislate for every case that may occur, after all is done, a great deal must be left to established usages, and not a little to the discretion of the consul, particularly in many difficult circumstances which cannot be foreseen.

Something is imperatively called for, and I can only hope that regulations will be framed, which, while they direct the consul in his duty, will relieve him from the heavy responsibility to which he is at present subject, without, in many cases, any other guide than his own unaided judgment.

Trebizond, 23 March 1835. (signed) *James Brant*, Vice-Consul.

Appendix, No. 15.

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(17.)—REPORT of His Majesty's Consul at *Smyrna*, on the Practice observed in Judicial Proceedings in the Consular Court at that place; showing its Defects, and proposing Remedies for its Improvement.

Preliminary remarks on the system of jurisdiction generally established in the Levant.

The undersigned, His Majesty's consul at Smyrna, having been instructed by Mr. Bidwell, in his Despatch No. 5, of the 30th December 1834, to explain the judicial practice now observed in his consulate, both in civil and criminal cases, to point out what appear to him to be the defects incidental to it, and to suggest the remedies most calculated in his judgment to remove them, considers it necessary, before entering into the details of the subject, to submit a few observations on the general principles which constitute the consular jurisdiction in the Levant, in order to render those details more easily intelligible.

The subjects of European states are established in Turkey on the faith of treaties with the Porte, called capitulations, in virtue of which their persons and their commercial interests, in all transactions among themselves, are not amenable to the jurisdiction of the local authorities, either in civil or criminal matters. But this valuable privilege while it protects them from the effects of arbitrary power and violence, would become a never-failing source of inconvenience and disorder, if Europeans were thereby to be exempted from all legal restraint. It therefore became necessary for European governments to appoint national magistrates in Turkey, who being on the one hand charged with the protection of the persons and interests of their subjects against all foreign aggression, were bound, on the other to restrain them within the bounds required by a just measure of reciprocity, and to prevent the laws and justice from being violated, not only in transactions among each other, but in their intercourse with the subjects of other nations.

Such is the origin of the judicial and coercive powers conferred upon consuls in the Levant. Exclusively invested with the right of administering justice to, and of maintaining order among their fellow subjects within the extent of their jurisdiction, they unite in themselves the functions of civil and criminal officers. They decide in the first instance in civil cases, and confine themselves in criminal matters to the arrest of the delinquent, and to the collection of the evidence in proof of his guilt.

The establishment of numerous judicial authorities in one place, independent of each other, would cause incessant trouble and conflicts, if the limits of the jurisdictions of each were not determined, and to this end the maxim "*Actor sequitur forum rei,*" has been invariably acted upon in the Levant; if therefore a dispute arise between two individuals of different nations, the consul of the defendant is the competent judge, and the consul of the plaintiff merely transmits the representations addressed to him by the latter, to the consulate which has to take cognizance of his claim.

Ottoman subjects are excepted from the operation of this rule, the right of having their differences with Europeans tried by their own tribunals, whether they be plaintiffs or defendants, having been expressly reserved to them by the capitulations.

All questions regarding real property, (which Europeans have no legal right to possess in Turkey, though the acquisition of it is tolerated,) are decided by the Ottoman tribunals, which are alone competent to determine the validity of title-deeds framed according to the forms of Turkish law, without reference to the nationality of the contending parties, and even when both are European. But in all criminal cases the consul of the delinquent is the authority alone competent to take cognizance of the offence, whatever the nationality of the injured party may be.

The preceding general rules are followed by the consuls of all nations, and guide them in their relations with each other, and with the local authorities. In other respects each consul acts according to his particular instructions.

His Majesty's consuls in the Levant are differently situated from the consuls of other nations. The late Levant Company's bye-laws, related chiefly to the commercial concerns of that body, and contained but few instructions as to the judicial functions of their consuls. Obliged, however, to exercise those functions with hardly any other rules to guide them than what natural equity suggested, as the laws of England were found in many cases inapplicable to local exigencies, they were under the necessity of creating for themselves the peculiar kind of procedure which is at present observed, assimilating it as much as possible to that followed by their colleagues. But it may be imagined that they experience great difficulty in enforcing a system not sanctioned by any superior authority, and consequently not having any obligatory effect. In order, therefore, to avoid personal responsibility, they often allowed suitors to deviate from the course in practice, the result of which has been to introduce vagueness and uncertainty in the progress of suits.

Foreign consuls on the contrary having been appointed originally by their sovereigns, and corresponding with their governments, were furnished on their first establishment, and subsequently as occasion required, with positive instructions for their guidance.

The French government promulgated in 1778 special regulations for the observance of its consuls in the Levant in their judicial proceedings, which were followed by the publication in 1806, of a complete code of civil procedure. The Austrian government published a similar code in 1815, and the consuls of other powers, who have not codes of their own, are expressly authorised to conform to that of France.

The foregoing observations will, it is hoped, show how necessary it is that a well-defined and appropriate system of procedure should be adopted by His Majesty's consulates in the Levant, as well as that the necessary power should be conferred on the consuls to carry it into

into execution, for in a country like this, where the interests of British subjects are so intermixed with those of the subjects of other foreign states, it is indispensable that the magistrate charged with the duty of protecting the former, should also have the power of administering justice to the latter, and of preventing his authority from being evaded by fraud or caprice.

It is now proposed to treat of the practice in civil cases.

1. Of summary proceedings.

All causes of any importance brought before the consular courts in the Levant, are conducted in writing, but those of small amount or of a trifling nature are heard and decided summarily by the consul: it frequently happens, however, that one of the parties, not satisfied with the decision thus pronounced, or instigated by a litigious spirit, or by the cupidity of a set of low practitioners, insists on instituting a written suit, and the consul not being authorized by any specific regulations to determine the amount to be so tried, is obliged to accede to the demand, when probably the expense of such a process exceeds the trifling amount sought to be recovered.

To obviate this inconvenience it is proposed: That His Majesty's consul shall be authorized to decide in a summary manner all differences, of which the principal shall not exceed the value of 10 *l.* sterling.

2. Of proceedings in writing.

Foreign consuls are furnished with precise and positive regulations, which fix invariably the number of writings that the parties to a suit are permitted to produce, the periods wherein they must be presented, and the penalties incurred by defaulters. The British consuls not having any regulations of the kind for their guidance, have endeavoured as much as possible to conform to the practice observed by their colleagues, by fixing the number of writings, at two on each side, and the term for the presentation of each at 14 days, but these rules not being sanctioned by superior authority, and the consul not having ventured to attach any penalties to their contravention, are often evaded by the artifices of lawyers, who are always interested in retarding the termination of causes; hence arise frequent complaints on the part of other consulates on account of the delays in suits brought before the British tribunal, in which foreigners are concerned, and thus an opportunity is afforded to persons of bad faith to impede the course of justice.

To remedy the defects incidental to this part of the practice, the following regulations are proposed:

1. Each party to a suit shall not be permitted to present during its progress more than two writings.

2. In these two writings the plaintiff shall be bound to set forth the whole of his case, and the defendant to state all that he may have to advance in his defence. The writings on each side shall be accompanied by whatever documentary evidence (depositions and the like) the parties may possess, to prove the truth of the statements they contain.

3. The consul shall be authorized to allow a third writing on each side to be presented, if the nature of the suit appear to him to require it.

4. The term of 15 days shall be allowed to the defendant to put in his answers to the the first demand of the plaintiff, and of eight days for answers to all other writings in the suit.

5. These terms shall be strictly enforced, and they shall begin to run from the day following that on which the writings shall be signified to the opposite parties.

6. The consul shall be authorized to prolong these terms at the demand of either party, if the nature of the case shall appear to him to require it, as also to shorten them, when the case is urgent, and delay would be prejudicial.

7. At the expiration of the terms fixed, the consul shall, at the demand of the party, who has used all due diligence, declare the proceedings closed, and pronounce judgment by default, unless good cause be shown to the contrary by the opposite party. In the latter case a fresh term, to be fixed by the consul, shall be granted.

8. After the proceedings shall have been declared definitively closed, no other writings produced by the parties shall be received.

3. Of judgments, and of their execution.

Although the judicial authority is vested in His Majesty's consul solely, he has been accustomed to call upon two, and sometimes four assessors, to assist him at his sittings, according to the importance of the cause for trial. These assessors are selected from among the British merchants, when both parties to a suit are British subjects, but when the plaintiff is a foreigner, one of the assessors is chosen from among his own countrymen, or two when there are four. The assessors are merely required to give their opinions on the case, which is decided according to that of the consul, by a written sentence, though they may differ from him thereupon; but in that case, on signing the sentence, they are at liberty to state their dissent from any parts of it. The decisions of the consular tribunal are grounded as much as possible on the general principles of English law, but when they are inapplicable to local exigencies, the court is guided by natural equity, and often by custom when any particular local usage has been long enough established to have acquired the force of law.

His Majesty's consul at Smyrna is authorized by his instructions, after the communication of his sentences to the parties, to arrest debtors in execution, if required to do so; and even before the hearing of the cause, if the plaintiff make an affidavit of a debt, and the defendant give not sufficient bail to secure his appearance, the consul having good reason to suppose that he intends to abscond, may imprison him until the day of trial.

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Sentences are executory provisionally in the Levant, notwithstanding appeal. In the latter case, if the judgment be pecuniary, either by the deposit of the amount in the cancellaria or in the hands of a third person, by satisfactory security to the plaintiff, or by the arrest of the debtor. If the judgment order any specific act to be done, the appellant is required to give security for the prejudice which its non-execution may occasion to the successful party. In all cases the depositary and surety must be persons under the British jurisdiction.

Although His Majesty's consul insists on the provisional execution of his judgment, on the strength of general usage, he is not authorized to do so by any precise instructions; and as the principle is so salutary and universally acted upon in the Levant, it would be very desirable that it should be made obligatory on British subjects.

It is proposed therefore to establish the following regulations:

1. All judgments pronounced by His Majesty's consuls in the Levant shall be executed notwithstanding appeal. In the latter case, the execution shall be provisional; viz., if the condemnation be pecuniary, by a deposit of, or security for, the amount, or in default of either, by the imprisonment of the debtor's person; if the condemnation be not pecuniary, by security for the consequences that may result from the non-execution of the judgment.

2. The depositary and the surety shall be persons subject to the jurisdiction of His Majesty's consul.

3. The execution of judgments shall in no case be delayed beyond the time fixed for the lodgment of an appeal, unless it shall be otherwise ordered in the sentence.

4. If a final judgment of a pecuniary nature shall not be executed, the consul shall be bound to allow the goods of the debtor to be seized, and if there be no goods, the imprisonment of his person. If the sentence enjoin the performance of any act, the consul shall cause it to be done by the means that may be at his disposal.

4. Of appeals.

An appeal from the consular court at Smyrna lies to that of the consul-general at Constantinople. The term usually allowed for giving notice of an appeal is 14 days from the signification of the sentence, which has not, however, been fixed by any positive regulation, nor has that in which the appeal must be prosecuted before the superior tribunal. It therefore often happens that the right of appeal is converted into a legal method of protracting suits, for the appellant after having lodged an appeal within the period limited, is at liberty to follow it up whenever he pleases, without running the risk of being debarred from prosecuting it any future time, however distant. Foreign consuls have special instructions in this respect, and British subjects benefit by the rules laid down, when they are plaintiffs in suits tried by them; it would, therefore, be but just that the subjects of foreign states should be placed upon a footing of reciprocity when they are plaintiffs in the British court, and that an abuse should be removed, whereof dishonest persons alone take advantage to harass their opponents. It is essential likewise to determine to what amount His Majesty's consuls may decide causes without appeal. The French code fixes the sum at 1,000 francs, and it is proposed that this standard shall be adopted by the British consulate.

The following regulations would, it is submitted, remedy the defects incidental to the practice in matters of appeal:

1. The party in a suit who may consider himself aggrieved by any decision of the consular court, shall be bound to give notice of an appeal therefrom within 14 days from the day following that on which the judgment shall have been signified to him. No appeal shall be received after the expiration of this period.

2. The party shall be bound to require in the act intimating an appeal, that the copies of the writings in the suit shall be furnished to him, and the omission of this formality shall render the act null and void.

3. The party shall be allowed two months to prosecute an appeal before the superior tribunal at Constantinople, and this term shall begin to run from the day following that on which the copies of the writings shall be delivered to him.

4. If at the expiration of the two months the appeal be not prosecuted, it shall be considered as not having been lodged, and the judgment shall be executed definitively.

5. His Majesty's consuls in the Levant shall be authorized to pronounce final judgment in all differences, when the principal does not exceed the sum of 40 *l.* sterling.

The term for the prosecution of appeals is fixed by the French regulations at six months, and by the Austrian at one month. From the former court they are carried to Aix in Provence, and from the latter to Constantinople, which accounts for the difference. Although British appeals, like the Austrian, are carried to Constantinople, the term of two months is considered by the undersigned to be more reasonable.

5. Of incidental demands.

It often happens, that in the course of a suit, incidental demands are made by the parties, which require intermediate decrees. These being subject to appeal, become the means of delaying the final judgment for an indefinite time. It would therefore be proper, that in no case an appeal against a decree on an incidental demand should cause the trial on the merits of the case to be suspended, but that this appeal should be lodged together with that against the final judgment.

The following regulation would, it is submitted, remedy this defect:

No appeal against decrees on incidental demands, shall be prosecuted till after the definitive judgment on the merits of the case shall have been pronounced, and concurrently with the appeal against such judgment.

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6. Of sequesters.

It is universally admitted in the Levant, that a person in whose hands a sequester is made, is obliged to accept it. The practice observed in laying sequesters, is this:—The claimant addresses a petition to his consul, setting forth his demand, which is signified to the consuls, both of the holder of the money or goods sought to be sequestered, and of the alleged debtor to whom they belong, to be by them communicated to the parties concerned. Although the acceptance of a sequester cannot be refused, yet the person demanding it is bound to furnish the holder of money or goods with adequate security for the consequences that may result therefrom; and he may, moreover, require that the surety shall be a person under the same jurisdiction as himself. British subjects are often in the habit of availing themselves of this privilege, when the holder of funds or goods and the alleged debtor are foreigners; but when these, in their turn, seek to lay sequesters in the hands of British subjects, it is optional with the latter to accept them or not. It would be desirable that His Majesty's consuls should be authorized to compel British subjects to accept sequesters; for, independently of the universal admission of the principle in Turkey, and of the expediency of using reciprocity in a country when British interests and those of foreigners are so intermixed, it may happen that a British subject being agreed with a dishonest debtor, may, by refusing to accept a sequester, afford him the means of evading the payment of a just debt. It is proposed, therefore,—

1. That British subjects established in the Levant, shall be bound to accept sequesters, which may be laid on funds or goods in their hands, belonging to third persons, provided that at their demand sufficient security be given to protect them from all consequences that may result from so doing.

2. British subjects, who shall refuse to accept sequesters intimated to them, shall thereby render themselves responsible towards the persons demanding them, for the consequences of such refusal.

7. Of failures.

Whenever the fact is established that a British trader in the Levant is in a state of failure, either by a voluntary declaration of insolvency on his part, or by any other proof that he is unable to fulfil his engagements, the consul, at the requisition of one or more of his creditors, orders in the first place the counting-house and warehouses of the insolvent, to be sealed up by the cancellier; he then appoints two provisional assignees, when the seals being removed, and an inventory taken of all the books, papers, merchandise and effects, found on the premises, the whole are delivered to them, and they are invested with the management of the concerns of the insolvent. The duties of the provisional assignees are: To ascertain from the books the debtors and creditors of the estate, and to draw out a balance sheet with as little delay as possible, and in the meanwhile to sell all goods of a perishable nature, and to recover all sums immediately payable to the estate as they become due.

As soon as the provisional assignees have presented the balance sheet to the consul, a meeting of the creditors is called for the proof of debts, and at the same meeting the definitive assignees are chosen by the creditors who have proved, to whom the books, papers, merchandise and effects are delivered over by the provisional assignees, and the former thenceforward charged with the liquidation of the concerns of the estate, and the payment of the dividends, when duly authorized by the consul. The insolvent is allowed his certificate by the consul, if it be signed in conformity with the provisions of the statute of 6 Geo. 4, c. 16, and accompanied by a declaration on the part of the assignees of its being so signed, and that he has given up the whole of his property for the benefit of his creditors, and has in all things conformed to the established usages in similar cases; provided also, that he make oath, that the certificate was obtained without fraud, and no cause be shown to the contrary by any of the creditors.

Such is the practice observed in cases of failure. It is suited to local wants, and does not appear to the undersigned to require any alteration; but the consul having no authority to enforce its observance, instances have occurred, when British subjects in a manifest state of failure, and unable to fulfil their engagements, have disputed the consul's right to interfere in their concerns, and profiting of his want of power to compel them to do justice to their creditors, have followed their own course, thereby lowering the national character in the eyes of foreigners, and causing a distrust of Englishmen to be felt, which cannot but be extremely detrimental to the general interests of British merchants established in Turkey. In order to prevent such serious abuses in future, it is proposed that the following regulations should be established:—

1. Every British subject carrying on trade in the Levant, shall be declared by the consul in a state of failure, if on judgment being obtained against him by one or more of his creditors, he is unable to comply with the same, and no voluntary declaration of insolvency, on his part, shall have been made.

2. He shall be bound to submit to the formalities which have been established by long usage in cases of failure.

3. If he shall refuse to deliver up his books and effects, or to make a full and true discovery of his estate, he shall be considered as a fraudulent bankrupt, and the consul shall be authorized to proceed against him criminally.

It frequently happens that a trader has been insolvent for some time prior to his being actually declared so, and in many cases it is important to fix the precise period of his insolvency. For the purpose the following regulations appear to the undersigned to be necessary.

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1. His Majesty's consul shall be authorized to declare by a decree, the period of a trader's insolvency, which shall be ascertained by the provisional assignees of his estate, upon the examination of his books.

2. No appeal shall lie against this decree.

8. Of Differences between Partners, and of the Settlement of Accounts.

It is ordered that all disputes in partnership concerns, and in matters of account, shall be decided in the foreign consulates in the Levant by arbitration, and that the proceedings be regulated by the provisions of the French code of civil procedure.

It is optional with British subjects to adopt this course or not, as the consul is not authorized to prescribe it; but it would be desirable that His Majesty's consuls should also be bound to follow a method so well calculated from its nature for the settlement of differences, which require such a degree of examination and investigation as a tribunal cannot bestow upon them.

The following regulations are therefore proposed:—

1. All disputes in matters of partnership, or of account, between His Majesty's subjects established in the Levant, or between them and foreigners, shall be settled by arbitration.

2. A petition, setting forth the particulars of the claim, and demanding an arbitration, shall be addressed in writing to His Majesty's consul, which shall be signified to the opposite party, to whom a term of eight days shall be granted for the nomination of an arbitrator on his part. This term shall begin to run from the day following, that of the signification of the petition.

3. At the expiration of the said term, if the party failed to name his arbitrator, the consul shall be bound to admit the claim as well founded, and to pronounce judgment accordingly.

4. If previous to the expiration of the said term, the party prove his inability, from any good cause to name an arbitrator within that time, an extended term of eight days shall be allowed him to do so.

5. The second delay shall not be prolonged, and the consul shall be bound, if the party has not named his arbitrator at its expiration, to admit the claim as well founded, and to pronounce judgment accordingly.

6. Within five days following the first or second term fixed in the preceding articles, the parties shall be bound to execute the arbitration bond.

7. The parties and the arbitrators shall be bound in all other particulars to follow the rules laid down in the French code of procedure relative to arbitrations.

8. If any question shall arise between the parties, whether a dispute is of a nature to be settled by arbitration or otherwise, the consul shall determine that point summarily, and without appeal.

9. Of Evidence.

In all causes tried by the consular court at Smyrna, when the testimony of witnesses is necessary to prove the facts of the case, their depositions are taken in writing. The natives of the Ionian Islands, and their co-religionists in general, are extremely averse to make oath, as to the truth of their statements. It often happens, that religious scruples are urged by witnesses as a pretext to avoid the guilt of taking a false oath, but they are sometimes sincere; and, as it is very difficult, if not impossible, for the consul properly to appreciate the motives of those who refuse to be sworn, he is embarrassed as to the degree of credibility to be attached to their evidence.

The depositions of witnesses are likewise entirely voluntary, as the consul has no power to compel their appearance. The consequence is, that the ends of justice are frequently defeated by their unwillingness to appear, when cited by the parties to a suit.

As foreign consuls, whenever the testimony of persons under their jurisdiction is deemed necessary, will compel them to depose in the British court, it is submitted, that upon the principle of reciprocity and to further the ends of justice, His Majesty's consul should be empowered to compel British subjects to do the like in foreign courts, at the requisition of foreign consuls.

To remedy the defects above stated, the following regulations are proposed:—

1. No deposition of a witness shall be received as evidence in a trial by the consular courts in the Levant, which shall not be made on oath, but in civil and criminal cases.

2. Every British subject who shall fail to appear, when duly cited as a witness, in any cause brought before the consular court, or shall refuse to be examined on oath, shall be liable to pay a penalty of 10*l.* to the party aggrieved, and damages equivalent to the loss sustained by want of his evidence.

3. Every British subject who shall refuse to appear, and be examined on oath as a witness in any cause pending in a foreign court, when required so to do by His Majesty's consul, shall thereby render himself liable to the payment of the penalties fixed by the preceding article.

10. Of Imprisonment for Debt.

The consul is authorized by his instructions, to imprison a debtor at the requisition of his creditor, in execution of a sentence; but it sometimes happens that his confinement is prolonged to an indefinite period, either through the obstinacy of the one, or the animosity of the other, and the consul is at a loss how to act. If, on the one hand, he released on his own authority, after a short time, a debtor who sought to elude the payment of his debt, he would commit an act of injustice towards the creditor; and, on the other hand, he could not,

not, without being guilty of inhumanity, deprive of his liberty for an indefinite time an individual who might really be unable to pay; perhaps the father of a family, whose labour was essential to their support, and who is confined merely from a vindictive feeling on the part of his creditor. It should be recollected that this measure is only resorted to for small sums against persons in indigent circumstances, and who depend on their daily labour for subsistence.

In order therefore to reconcile, as much as possible, the demands of justice with those of humanity, the following regulations are proposed:

1. Every creditor, acknowledged as such, to the amount of 2 *l.* sterling or upwards, in virtue either of a judgment obtained, or of a summary decision of the consul, shall be at liberty to require the imprisonment of his debtor. The requisition to this effect shall be made in writing.

2. The prisoner shall provide for his maintenance during the first month of his confinement, and the creditor during the remainder thereof.

3. If the prisoner make oath that he is unable to provide for his maintenance, even during the first month, the creditor shall be bound to do so.

4. The amount of the daily allowance for the maintenance of the prisoner shall be fixed by the consul; it shall be payable on the first day of every week in advance, and on failure of regular payment, the debtor shall be released.

5. At the expiration of three months the debtor shall be discharged; but if the debt exceed 2 *l.* sterling, the creditor shall at any future period have execution against his goods, though never more against his person for the same debt.

6. Every prisoner for debt shall be entitled to his discharge at any time, on surrendering all his effects (except his apparel, bedding and tools of his trade, not exceeding the value of 5 *l.* sterling) for the benefit of his creditors.

In concluding this portion of the subject, the undersigned thinks it necessary to remark, that Europeans can only be governed in Turkey by a peculiar system of law, of a distinctive and conventional character; for while they enjoy the extraordinary privilege of being ruled by their own laws, though in a foreign country, the exercise of this privilege being confined within certain limits, on account of local difficulties, has necessarily undergone important modifications, and from this state of things, a sort of mixed system of law and custom has been established and acted upon, from the impossibility of following any other. The truth of this position has been felt by the European governments, and the instructions with which they have in consequence furnished their consuls, confer on them the powers that are necessary to enable them to perform the varied functions that they are called upon to exercise. In fact, when it is considered that the duties which in Europe are divided among so many different magistrates, all centre in the consuls in the Levant; that however extensive their knowledge of the different branches of the law may be, it can only assist them in a slight degree, on account of the impossibility of applying it in many cases to local exigencies; and that constant obstacles are opposed to them on account of the limited means of action which they possess; the absolute necessity of adopting in judicial proceedings such a system as has been described, composed both of national and foreign law, it is presumed, will be sufficiently obvious.

The regulations now suggested in civil matters appear to the undersigned to be those best suited to the wants and interests of His Majesty's subjects residing in Turkey. They differ, it is true, in some points from the national institutions, but it is on this account, that he thinks they will answer the purpose required. If the proposed system were entirely conformable to English law, it would be inapplicable to this country; if entirely foreign, it would not accord with the habits and feelings of Englishmen. Hence, therefore, arises the necessity of making it partake both of English and foreign legislation.

Practice in Criminal Matters.

As has been already stated, the right of jurisdiction in criminal cases is exclusively vested in the consul of the nation to which the delinquent belongs, over whom the local authorities have no control, whatever the nationality of the injured party may be. This rule admits of no exception, and the consuls have orders not to suffer it, on any occasion, to be infringed.

The practice observed in this consulate in criminal matters of a serious nature, pursuant to instructions received from His Majesty's consul-general at Constantinople, is the following:

The consul, on being made acquainted with the commission of a crime within his jurisdiction, endeavours by every means in his power, and if necessary by applying for the assistance of the local police, to secure the person of the accused. The depositions of the witnesses, as to the facts of the case, are then taken by the cancellier in writing, in the form of interrogatories, to the truth of which the deponents are required to make oath. The accused person, if in custody, is confronted with the witnesses in order to establish his identity. He is likewise interrogated, and his answers are taken down in writing by the cancellier. If he produce witnesses in his defence, the cancellier receives their depositions also, under oath. If the innocence of the accused be established, or the proofs of his guilt be deemed insufficient, he is immediately set at liberty; but if they be strong

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enough to warrant his detention, or conclusive as to his guilt, the consul reports the circumstances of the case to the consul-general at Constantinople, to whom he transmits copies of the depositions, and awaits his instructions for his further proceedings.

The same system is pursued in similar cases by all the other consuls in the Levant. The undersigned is of opinion, that it is not susceptible of any modification, and that it is impossible to follow any other.

With respect to such minor offences as in Europe are cognizable by justices of the peace and police magistrates, the consul tries the persons accused summarily, and if convicted they are punished by imprisonment, the duration of which is more or less prolonged according to the nature of the offence. When a British subject has been frequently convicted of the same offence, and his behaviour tends continually to disturb the public peace, the consul requires him to give bail for his future good conduct. If he be unable to do so, he is ordered to quit the country within a certain fixed period; or if he persist in remaining in Turkey, the British protection is withdrawn from him, and he becomes subject to the jursisdiction of the local authorities. Experience has convinced the undersigned, that this measure is indispensably necessary towards the natives of Malta and of the Ionian Islands, whose turbulent and riotous acts too often give rise to serious complaints on the part of the Turkish authorities. He must however admit that he has adopted it of his own accord, and from necessity, as it would otherwise be impossible to preserve order among individuals of that class, who are extremely numerous in the Levant, and the greater portion of whom are without any fixed residence, or certain means of procuring a livelihood.

It would be expedient that measures so necessary for the preservation of the peace of society, should be authorized by superior sanction, and the following regulations are consequently proposed:

1. His Majesty's consuls in the Levant shall be authorized to take cognizance of inferior offences or misdemeanours committed by His Majesty's subjects, and ot hear and decide thereupon in a summary manner, as well as to punish the offenders on conviction, by imprisonment, the term whereof shall be fixed by the consul, according to the nature of the offence, and shall in no case exceed three months.

2. All British subjects who shall have been convicted of misdemeanors, shall be bound to give bail for their future good behaviour.

3. If they shall be unable to furnish such security, a term of ten days shall be allowed them to quit the country, and if at the expiration of that period they continue to reside in Turkey, they shall lose all right to the British protection.

4. If they furnish the security required, the surety shall be a person under the jurisdiction of the consul, and a penalty shall be attached to the bond, which shall be forfeited on a repetition of the offence.

5. The amount of the penalty shall be fixed by the consul, and shall not be less than 20 *l.* nor more than 60 *l.*

6. All fines shall be appropriated to the use of the British Hospital, or of other charitable institutions at Smyrna.

(signed) *R. W. Brant*, Consul.

Smyrna, 30 May 1835.

(18.)—Copy of a REPORT from His Majesty's Agent and Consul-general in Egypt, on the Practice observed in Judicial Proceedings in the *Levant*; showing its Defects, and proposing Remedies for its improvement.

My Lord Duke, Cairo, 28 February 1835.

In obedience to the instructions conveyed to me in your Grace's despatch, of the 30th December last, I have now the honour to forward (Enclosure No. 1), such observations as have occurred to me, on the practice as at present established in proceedings in the Courts held by His Majesty's consuls in the Levant, as also on the defects found to exist in the present practice.

Mr. Thurburn's commission as consul at Alexandria limits his authority, in a great measure, to the mediatorial office of *composing* differences between our fellow-subjects, agreeably to the *practice* and *usage* of the consulate, and to the provisions of the Act 6 Geo. 4; but it is highly necessary that the consul's powers should be defined more precisely, in order to protect his responsibility, as well as to guard His Majesty's subjects against any arbitrary exercise of his authority.

Many doubts may arise as to the legality of the decisions at Cairo and Alexandria, cited in my inclosed, under the title of *Correctional* Police, which are in a certain degree confirmed by the King's Advocate, (in answer to some objections raised, to the instructions furnished to Mr. Consul Brant, at Smyrna, by His Majesty's consul-general at Constantinople), wherein he observes, "The difficulties which are suggested in this part of the observation, are not without foundation, for it appears from a report made by His Majesty's law officers on the 23d September 1826, relative to the power which consuls in the Levant might lawfully exercise, 'that considerable doubts might arise whether some of the powers which seem to have been committed to their consuls, (those of the Levant Company) could be legally exercised, and particularly the general power of fine and imprisonment,

imprisonment, mentioned in the 17th, 19th, and 20th sections of the charter of Charles 2, &c., and they accordingly submitted to His Majesty that if it should be thought expedient that the powers alluded to should be exercised by the consuls or officers to be appointed by His Majesty, it would be proper to resort to the Legislature upon the subject.' I am not aware that any measures have been taken in consequence of this recommendation, &c."

If these decisions are illegal, they would expose the consul to serious damages in any court at home. There could be no good reason for leaving this point in doubt, and it ought to be regulated by Act of Parliament.

An American author, whose work I have not by me to refer to, lays down the principle that the European consuls in the grand seignior's dominions exercise their authority over their own fellow subjects in virtue of the powers tacitly conceded to them by the sultan; so that by this rule, all their acts are to be considered as emanating from the local government, whose representatives they are. Were this principle once admitted, it would protect consuls against prosecutions in Europe, for what might there be deemed an undue exertion of their authority; but it would at the same time invest them with a jurisdiction which might be very liable to abuse in improper hands.

Should it be thought expedient to amend the proceedings in criminal cases, which subject the offender to capital punishment, transportation, &c. by empowering the courts at Malta to take cognizance of such offences committed in the Levant, although it does not appear likely to be effectual unless witnesses could be sent to give their evidence *vivâ voce* in Malta, (and this in many cases will be impracticable, from witnesses in such cases being foreign subjects, and in every case would be attended with much difficulty and expense) still a salutary check might be imposed on such crimes, were the courts in that island empowered to take cognizance of capital offences committed in the Levant, by British subjects, upon the written evidence, officially collected on the spot; and to inflict such temporary punishment as might be deemed consistent with the nature of the offence.

With respect to proceedings in civil and commercial cases, I think it would be a great improvement if, instead of being referred to Constantinople, a final appeal were allowed to be made to Malta, where judges conversant with British law are always resident; (the French appeal to Aix); for though the 41st bye-law of the late Levant Company provides in certain cases for reference to the courts of law and equity of the United Kingdom, still I cannot find a case on record, where reference of the kind has been resorted to in this country. But as the means possessed by a consul for carrying his own decrees, in the first instance, into effect, may be called in question, it would be necessary, in providing regulations for proceeding here in such cases, to prescribe also the mode of consular jurisdiction. Notwithstanding Mr. Consul-general Cartwright, in his instructions to His Majesty's consul at Smyrna, says that "the practice of having the assistance of assessors, although proper and equitable, yet it is not absolutely necessary for him (Mr. Brant) to choose assessors, and that as the judicial authority is vested in him solely, and that they are not affected by any responsibility, so he, when attended by assessors, may decide according to his own opinion and conviction, though they may differ with him therein, &c.;" still I think it highly desirable that His Majesty's consular officers in this country, should, not only have the power of calling upon the respectable members of the British community in criminal, and commercial, and civil cases to act as jurors, but should also have the means of enforcing their attendance by the infliction of a fine in case of refusal, without showing sufficient cause for their non-compliance; for which purpose a list might be made of all the members of the British community in the place, competent to such duties, at a general meeting early in January in each year, and the jurors be taken in rotation from that list.

There is another point to which I would call your Grace's attention, and upon which the consul's authority should be ascertained, I mean with respect to bankrupts and imprisonment for debts, which do not come within the jurisdiction of a magistrate, and also the responsibility of consuls, and other officers under them, with respect to money or other property deposited in the consulate, should be clearly explained.

In framing new regulations for the consulates, much light might be obtained from the French ordonnances, which form a complete code for the guidance of their consuls in the Ottoman empire, and though many of their provisions have become obsolete, and others inapplicable from the greater degree of personal liberty enjoyed by the French nation now than when those ordonnances were formed, they are still in force, and point out the course to be pursued by their consuls in almost every possible contingency. These ordonnances are printed, and may therefore be consulted, should it be considered useful.

The impossibility of referring to proper authorities in Alexandria during the existence of the plague, render these observations very imperfect, and by no means so complete as I could have wished them to be.

With the highest consideration and respect, I have, &c.

His Grace the Duke of Wellington, &c. &c. &c. (signed) *Pat. Campbell.*

NOTES relative to the Consular Courts in the *Levant*.

Practice now in force by Usage.

Criminal Cases.

It is hardly possible to say what is the practice now in force. In the year 1830 an atrocious crime was committed at Cairo, by a Maltese of the name of Guiseppe Camilleri.

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Sir. F. Hankey to Mr. Consul-general Barker.

Malta, Oct. 15, 1830.

A regular inquiry proved the guilt of the man, and he was sent to Malta in August of that year.

By the answer of the Malta government, dated 15th October 1830, it is evident the crime could not be punished in Malta, because "no person can by the laws of that island be brought to trial but on *vivâ voce* evidence." The question whether a crime committed in the Levant could be punished, even on *vivâ voce* evidence, appears to have been studiously waved in that despatch; the conduct of the consul even appears to be in some degree disapproved of, for having prevented the Egyptian authorities from bringing the man to punishment.

It appears the fact, and all the consuls in the Levant seem convinced of it, and act upon it as a vital principle, that whatever be the crime of which their fellow subjects may be guilty, European policy will never permit them to give them up for punishment to the local authorities, since the loss of the jurisdiction exercised by them for centuries would prove more detrimental to our general interests in the East than all the benefit in the way of repression that could be anticipated by the punishment of a few criminals.

This does not, however, seem to be appreciated in Europe; Russia is the only power that, by the treaty of Adrianople, has put upon legal grounds the jurisdiction over her subjects in the Levant.

We are entitled to the same privileges by the nature of our treaties, and it rests with us to exercise them.

Since the case of Camilleri, other crimes have been committed. One at Damietta, by a Maltese, on a poor Arab woman, whom he murdered. That man, as well as all the other offenders, were exiled from the country, but some of them have even had the audacity to return. I may mention, *en passant*, Frances Sterlino was exiled for theft, and petitioned the Malta government to be authorized to return to this country only a short time ago.

In fact, with regard to criminal cases it can hardly be said that there is any system, and if any, it amounts to nothing more than actual impunity.

Defects.

The defects in criminal cases are the utter impossibility of bringing the offender and witnesses before a tribunal competent to award that punishment crimes of this description deserve, without having recourse to the courts of the country, and the want of power, on the part of the consul, to empannel a jury to decide whether there is sufficient evidence to convict the offender before any higher tribunal that His Majesty may please to appoint for trying offences of a criminal nature committed in the Levant.

As many consular offices of His Majesty in the Levant are held by foreign subjects, it might be dangerous to commit the same powers to them as to consuls-general and consuls, and it may be found advisable to restrict their authority in criminal cases to arresting an offender, collecting all the evidence on oath in their power, and forwarding an immediate report of the whole affair to the consul-general or consul, and then to await his directions on the subject.

Correctional Police.

The practice, for the repression of misdemeanors and other offences, has been for the consul to assemble two or four merchants, according to the case, and punish the offender by detention and fine. There is on record a case at Cairo, of three months imprisonment, and 100 dollars fine; and one at Alexandria of 30 days imprisonment, and 150 dollars fine, besides damages to the party injured.

The general practice of certain Europeans to beat and otherwise illtreat the natives is a matter of grave consideration, inasmuch as it may lead eventually to very serious consequences. If a poor Arab illtreat a European, he is sure to be punished with a severe bastinado; whereas, when the reverse occurs, the European is rarely punished.

As it is doubtless necessary to invest all His Majesty's consular officers, of whatever rank, with powers to a certain extent to take notice of and punish offences coming under the head of correctional police, and as few of His Majesty's vice-consuls and consular agents in this country are the natural-born subjects of His Majesty, it would be advisable for the protection of British subjects generally in the Levant, to oblige such vice-consuls and consular agents from time to time to make a return of all sentences, whether of fine or imprisonment awarded by them, to His Majesty's consul-general or consul.

Civil and Commercial Cases.

At this moment, in any civil or commercial case, when the parties have discussed the question at issue in writing, the consul assembles two or four assessors, (the cancellier to be always the registrar of the court,) and the parties, to hear if they have anything more to add, and to answer the questions which the judges may deem proper to put to them, after which, they give their sentence, together with the consul, by the plurality of votes. This is also done by vice-consuls. They judge in equity, and according to commercial practice, and seldom upon law. They are not lawyers, and have not been expected to constitute anything above a court of equity. These sentences were appealed formerly to His Majesty's ambassador at Constantinople, and now to His Majesty's agent and consul-general.

Defects.

Defects.

Consular jurisdiction in the Levant.

THERE have been cases where the consul could not find assessors. They all refused from private motives; the defect appears to be the want of power in the consul, to force the attendance of assessors.

The great defect in all consular courts consists, in the authority and jurisdiction of the different consular officers of His Majesty in the Levant not being sufficiently defined, and put upon a clear and legal footing.

I may here mention a very great inconvenience experienced by the consulate at Alexandria, arising from the great number of indigent Maltese and Ionian subjects, who arrive there without funds, without occupation, without the means of obtaining an honest livelihood, and without passports. These people leave their native islands with passports for different parts of the Levant, where they remain until they have exhaused their credit, then collect all they can to pay for their passage, and leave without asking for their passports, from the fear that their intended departure should become known to their creditors. It is much to be desired, that the consul should have the power and the means of sending all British, or British-protected subjects out of the country, who not possessing passports, cannot show good and sufficient reasons for coming here, or their means of subsisting in the country.

Having, according to the best information I can collect, stated the practice and defects of the different British consular courts, as established in this country; and as the authority of His Majesty's consuls-general and consuls, as well as the acts, charters, deeds and laws, from which they derive that authority, are scattered in many and various documents, some of which are not in the possession of most of His Majesty's consular officers in the Levant; I humbly conceive, that the best remedy would be effected by His Majesty's being graciously pleased to cause the law officers of the Crown, under the direction of His Majesty's Government, to draw up and embody such instructions to His Majesty consuls-general, consuls, vice-consuls and consular agents, not only in criminal and commercial, and civil cases, but also in cases of misdemeanor, bankruptcy and imprisonment for debt, specifying the modes of proceeding in each individual case, the maximum and minimum of punishment, either in the way of fine or imprisonment, or otherwise; the degree of their individual responsibility, as His Majesty may please to direct, always bearing in mind the impossibility of bringing an offender to condign punishment in this country, and the small accommodation possessed in prisons and gaols. Should it be His Majesty's pleasure so to direct, as it may be found requisite in some instances, to refer to the local practice, (particularly commercial practice,) in the Levant, and as any reference to this country would be attended with delay, I take the liberty of mentioning the names of the following gentlemen, who either from the official situations they have held, or their long residence in the East, may be able to afford much local information.

Mr. Samuel Briggs, of London, for some years Levant Company's consul at Alexandria.

Mr. Edward Hayes, son of a former consul at Smyrna, (before Mr. Werry,) a respectable merchant at Smyrna, at present at Bath.

Mr. Niven Kerr, merchant for many years at Constantinople, now residing in London.

Mr. Thomas Nixon Black, now of London, late a respectable merchant in Constantinople.

Mr. William Maltass, of Winchester House, Winchester-street, late a respectable merchant in Smyrna.

Mr. Liddle, secretary to the late Levant Company, might be able to add to the above list.

I now beg to refer to a letter on consular jurisdiction, addressed by the solicitors of the Levant Company to Mr. Liddle, then secretary, dated June 8, 1812.

It appears here that consuls have no power to decide between a British subject and a foreigner. His authority is, however, indispensable, in the present state of our own and general European relations with the Ottoman Empire. This point of consular jurisdiction appears to be of paramount importance, and the subject has been treated by me in my despatch, No. 7, Consular, of May 15, 1833, and to which I beg leave to refer.

The French ordonnances are generally adhered to, as the authority of consuls in the Levant; and I am given to understand, that the Sardinian government, which has been the last to establish consuls in the Levant, has defined in a very clear manner the nature and extent of their jurisdiction. I do not possess these documents, but they might perhaps be usefully consulted in framing the regulations now under consideration.

Cairo, 28 Feb. 1835. (signed) *Pat. Campbell.*

Chief Secretary's Office, Malta, 15 October 1830.

Sir,

I AM directed by the Lieutenant-governor to acknowledge the receipt of your letter, addressed to his Excellency, under date the 26th of August last, transmitting certain written evidence in the case of Giuseppe Camilleri, a Maltese, accused of a crime, for the commission of which you state, that it was in the power of the viceroy, by the tenor of our treaties with the Ottoman Porte, to have brought him to trial in Egypt; but that you had, though with the greatest difficulty, prevailed on his Highness to desist from the determination

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mination so to do, and to consent that you should send the accused to Malta, on condition, however, that he should here be punished with all legal severity.

It is much to be regretted, that his Highness the Viceroy should have been given to understand that the accused party could possibly be brought to punishment, on the written evidence transmitted by you, or, indeed, on any written evidence whatsoever; far from this being the case, no person can, by the laws of this island, be brought to trial but on *vivâ voce* evidence, and his Excellency cannot help regretting that you seem not to have been aware of this circumstance.

The man is still in quarantine, and will, on being admitted to pratique be sent to prison; but, under the circumstances above stated, he must be ultimately liberated, without that punishment which the enormity of his crime, if guilty, so loudly calls for.

I have, &c.

(signed) *Frederick Hankey*,
Chief Secretary to Government.

John Barker, Esq.,
His Majesty's Consul-general for Egypt,
&c. &c. &c.

ADDENDA.

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Copy of a DESPATCH from Mr. *Brackenbury*, His Majesty's Consul at *Cadiz*, to the Right Hon. Mr. Secretary *Canning*.

Sir, British Consulate, Cadiz, 12 Dec. 1825.

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Mr. Brackenbury to Mr Secretary Canning.

I HAVE the honour to submit to you the serious inconveniences which masters of British vessels experience from seamen quitting their employ in this port, contrary to the stipulations of their contracts.

The usual practice of masters is to hire seamen for their voyage out and home, and to advance a months' wages on signing the articles of agreement.

Upon arrival here, sometimes from caprice of their crew, sometimes from the temptation of their receiving higher wages from foreigners, British masters are left without seamen sufficient to navigate their vessels home.

A case recently occurred, where all the crew, except one, abandoned their employ at the moment the vessel was ready to proceed to sea with a full cargo.

I allude to the ship Garland, Muxworthy, master.

The law for the punishment of such offenders in England is the forfeiture of their wages, and imprisonment and hard labour for a time not exceeding 30 days, and not less than 14 days, at the discretion of a magistrate, (31 Geo. 3, c. 39, s. 3,) so that if a master of a vessel were to make a complaint to me, in the county of Lincoln, being one of His Majesty's justices of the peace for that county, I could commit his crew to prison for refusing to proceed on their voyage, and he being at home might easily replace them; but in Cadiz, where British seamen are not unemployed, except the few distressed, I cannot, as His Majesty's consul, inflict a similar punishment upon the insubordinate seamen, although the necessity be much stronger; unless I shall be instructed that as consul here I may be considered as vested, within the limits of my district, with the powers of a justice of the peace in England.

Seamen thus quitting their employ in Cadiz before the expiration of their agreement, occasion great expense and much inconvenience to masters, and cause considerable detention and risk to vessels deeply laden.

These are not, however, the only evils; the same seamen very frequently engage in the American ships here; and such is the law of the United States, that a British mariner having once entered, can rarely extricate himself from that service but by desertion and consequent forfeiture of his wages; for each American master is bound to bring back to the United States every one of his crew, under the penalty of 100 dollars for each missing man, except in cases of desertion, sickness or death; and although this measure does not primarily affect the British mariner who enters into the American service at Cadiz, it does so, secondarily, when he re-enters into the same service in the United States.

The crew of an American ship, the Commodore Chauncey, lately here, were all British except two, and the majority of the crews of several other American vessels were British subjects, thus re-entered, thus retained.

These facts have fallen within my own knowledge.

If, Sir, I might venture to offer an opinion, founded upon experience, of the inadequacy of the laws for punishing insubordinate seamen in foreign ports, and for encouraging the continuance of their services under their own flag, and to suggest a sufficient remedy, it would be that His Majesty's consuls abroad should have a power equal to magistrates

Appendix. No. 16.

Mr. Brackenbury to Mr. Secretary Canning.

magistrates at home, of committing to prison, for the same limited period, such seamen as refuse to proceed on voyages for which they shall have engaged; as well as, if so acting generally in all other matters of disputes between masters and mariners, and other British subjects.

I have no wish to exercise the power already mine, except for the support of those interests which have been confided to my protection; neither do I possess a desire for any extension of power beyond that which appears to me to be absolutely requisite for enforcing a strict observance of the articles of agreement between master and mariner, and for the maintenance of good order and regularity of British seamen in this province.

Should His Majesty's Government ever determine upon the expediency of keeping a ship of war stationed at Gibraltar, the neighbouring consuls would be greatly facilitated in the discharge of many unpleasant duties.

I have, &c.

(signed) *J. M. Brackenbury.*

— Appendix, No. 17. —

LETTER from *J. Planta*, Esq. to *J. M. Brackenbury*, Esq. His Majesty's Consul at Cadiz.

Appendix, No. 17.

J. Planta, Esq. to J. M. Brackenbury, Esq.

Sir, Foreign Office, 20 February 1826.

In reference to your despatch of the 12th of December last, upon the inadequacy of the power possessed by British consuls abroad to enforce the fulfilment of agreements between masters and mariners of British vessels, I am directed by Mr. Secretary Canning to acquaint you that a British consul abroad cannot be considered as possessing the authority of a magistrate in his own country. The laws of England would not sanction the exercise of such powers by foreign consuls in this country.

The engagements of merchants or masters of ships, with mariners, is necessarily exposed to some uncertainties growing out of the irregular habits of persons of that description.

The Act of the 31 Geo. 3, c. 39, s. 3, (on the Coasting Trade), and the Act of the 2 Geo. 2, c, 26, s. 4, (more generally) render seamen of British ships deserting in England, or refusing to proceed on their voyage, liable to be committed to the house of correction for a limited period; but the same penalty cannot be applied to desertion abroad, and it is conceived that there would be very great objections to such an extension of the provisions of the Act.

You will, therefore, in the execution of your duties at Cadiz, be careful not to assume powers, in this respect, with which, as His Majesty's consul, you are not invested.

I am, &c.

(signed) *J. Planta.*

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REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES.

Ordered, by The House of Commons, *to be Printed,*
27 *August* 1835.

Lunæ, 24° *die Augusti*, 1835.

Ordered, That a Select Committee be appointed to prepare Estimates of the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, for a Year, to 31st March 1836: —And a Committee is appointed of—

Lord Viscount Howick.
Mr. Fox Maule.
Sir Henry Hardinge.
Mr. Hume.
Mr. Gore Langton.
Mr. Divett.
Colonel Perceval.
Mr. W. H. Ord.
Lord Viscount Sandon.
Colonel Damer.
Mr. Hawes.
Lord Viscount Clements.
And all Colonels of Militia.

Ordered, That Five be the Quorum of the Committee.

REPORT.

THE SELECT COMMITTEE appointed to prepare ESTIMATES of the CHARGE of the DISEMBODIED MILITIA of *Great Britain* and *Ireland*, for a Year, to 31st March 1836:——HAVE proceeded to prepare several ESTIMATES, which they have agreed to report to The HOUSE.

YOUR COMMITTEE having prepared ESTIMATES of the Charge of the Disembodied Staff, according to the Establishment fixed by the Laws now in force, and of Allowances to Officers reduced, and of Out-Pensions to Men, amounting in the whole to £. 218,861. 3. 4., of which £. 78,373. 8. 4. for the Staff, and the remainder, being £. 140,487. 15., is for Allowances to reduced Officers; they beg leave to annex hereunto such Estimates.

27 *August* 1835.

ESTIMATES.

DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the MILITIA of *Great Britain* and *Ireland*, from the 1st April 1835 to the 31st March 1836.

GREAT BRITAIN.	Estimate for 366 Days, to 31st March 1836. Nos.	Estimate for 366 Days, to 31st March 1836. Amount.	Estimate for 365 Days, to 31st March 1835. Nos.	Estimate for 365 Days, to 31st March 1835. Amount.
CHARGE for the STAFF retained:		£. s. d.		£. s. d.
Pay of Adjutants - - each at 8 s. – d. per diem	89	13,029 12 –	89	12,994 – –
– Serjeant-Majors - ,, - 1 10 – -	89	2,985 19 –	89	2,977 15 10
– Serjeants - - - ,, - 1 6 – -	640	17,568 – –	1,243	34,027 2 6
Contingent Allowance, at 1 *d.* per month, for each Private on the Establishment - 50,888 Privates	- -	2,544 8 –	- -	2,567 17 –
Allowance for Medicines and Medical Attendance for 729 Men on the Staff, each at 2 *d.* per week	- -	317 12 8	- -	809 1 8
Clothing or Compensation, at £. 1 per Man, on the Average - - - - - - -	- -	729 – –	- -	600 – –
TOTALS for the STAFF retained - -	818	37,174 11 8		
CHARGE for the NUMBERS to be REDUCED:				
Pay, 580 Serjeants - at 1 *s.* 6 *d.* 61 Drum Majors, 1 *s.* 6 *d.* 460 Drummers - 1 *s.* – From 1st April to 31 Oct. 1835, On account -	- -	- - -	61	1,669 17 6
	- -	13,700 – –	469	8,559 5 –
Continnent Allowance:—Allowance for Medicines; Compensation in lieu of Clothing, on account - - - - - - - -	- -	820 – –		
Additional Pay to Serjeants acting as Quarter-master Serjeants, and to Serjeants who were Colour Serjeants, in Provisional Battalions of Militia, on account - - - - -	- -	280 – –		541 8 4 45 12 6
Gratuities to Men discharged without Pensions, viz.:— Five months' Pay, in addition to the Advance from the date of the Order for Reduction, to the 10th October 1835, on account -	- -	2,600 – –		
TOTAL for the Numbers to be Reduced	- -	17,400 – –		
TOTAL for STAFF retained - -	818	37,174 11 8		
TOTAL for STAFF, 1835–1836 - -	818	54,574 11 8	—	—
Ditto - ditto - 1834–1835 - -	- -	- - -	1,951	64,792 – 4
ALLOWANCES to SUBALTERNS, &c. disembodied at the Peace:				
Lieutenants - each at 2 *s.* 6 *d.* per diem -	471	21,548 5 –	481	21,945 12 6
Ensigns - - - - 2 – - - -	56	2,049 12 –	57	2,080 10 –
Surgeons' Mates - – 2 6 - - -	40	1,830 – –	43	1,961 17 6
	567	25,427 17 –	581	25,988 – –
REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:				
In 1799: 39 & 40 Geo. 3, c. 44. Adjutants - each at 4 s. – d. per diem	14	1,024 16 –	16	1,168 – –
Serjeant Majors – 1 – per diem and 2 6 per week	5	124 3 6	5	123 16 8
In 1816: Second Adjutants, each at 4 – per diem	3	219 12 –	3	219 – –
Reduced Allowances carried forward - £.	22	1,368 11 6	24	1,510 16 8

3/2.3

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN—*continued.*	Estimate for 366 Days, to 31st March 1836.		Estimate for 365 Days, to 31st March 1835.	
Allowances to Reduced Officers—*continued.*	Nos.	Amount.	Nos.	Amount.
		£. s. d.		£. s. d.
Brought forward - - -	22	1,368 11 6	24	1,510 16 8
s. d.				
In 1829: 1 Paymaster at 2 – per diem		– 2 –		
1 ditto – 2 6 –		– 2 6		
2 ditto – 3 – –		– 6 –		
2 ditto – 3 6 –		– 7 –		
15 ditto – 4 – –		3 – –		
2 ditto – 4 6 –		– 9 –		
6 ditto – 5 – –		1 10 –		
19 ditto – 6 – –		5 14 –		
48 Paymasters, at per diem £.	48	4,218 3 –	55	4,708 10 –
		11 10 6		
3 Surgeons at 3 6 per diem		– 10 6		
13 ditto - – 4 – –		2 12 –		
2 ditto - – 4 6 –		– 9 –		
18 ditto - – 5 – –		4 10 –		
7 ditto - – 6 – –		2 2 –		
43 Surgeons, at per diem - £.	43	3,724 1 –	46	3,969 7 6
		10 3 6		
4 Quarter-Masters at 2 – per diem		– 8 –		
7 ditto – 2 6 –		– 17 6		
3 ditto – 3 – –		– 9 –		
3 ditto – 3 6 –		– 10 6		
4 ditto – 4 – –		– 16 –		
1 ditto – 4 6 –		– 4 6		
1 ditto – 5 – –		– 5 –		
23 Quarter-Masters, at p'diem £.	23	1,290 3 –	28	1,615 2 6
		3 10 6		
TOTALS—Officers reduced on Reduction of Establishment - - - -	136	10,600 18 6	153	11,803 16 8
RETIRED ALLOWANCES to OFFICERS disabled by Age or Infirmity:				
s. d.				
Adjutants - - - at 8 – per diem - -	22	3,220 16 –	24	3,504 – –
Surgeons - - - – 6 – – - - -	24	2,635 4 –	26	2,847 – –
Paymaster - - – 6 – – - - -	1	109 16 –	1	109 10 –
Quarter-Masters - - 5 – – - - -	15	1,372 10 –	15	1,368 15 –
Ditto - - - - – 3 – – - - -	1	54 18 –	1	54 15 –
TOTALS—Disabled Officers - - - -	63	7,393 4 –	67	7,884 – –
TOTALS:				
Staff - - - {Retained - 37,174 11 8 / Reduced - 17,400 – –}	818	54,574 11 8	1,951	64,792 – 4
Allowances to Subalterns - 25,427 17 –				
Ditto - Reduced Officers 10,600 18 6				
Ditto - Disabled Officers 7,393 4 –				
Allowances to Officers - £. 43,421 19 6	766	43,421 19 6	801	45,675 16 8
TOTALS—Staff and Allowances to Officers - £.	1,584	97,996 11 2	2,752	110,467 17 –

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN—*continued.*	Estimate for 366 Days, to 31st March 1836. Nos.	Amount.	Estimate for 365 Days, to 31st March 1835. Nos.	Amount.
OUT-PENSIONS of the British and Irish Regular Militia:		£. s. d.		£. s. d.
No. of Men. d. £. s. d.				
214 - at 4 3/4 - - 4 4 8 1/2 per diem.				
943 - - 5 - - 19 12 11 –				
458 - - 6 - - 11 9 – –				
165 - - 8 - - 5 10 – –				
222 - - 9 - - 8 6 6 –				
329 - - 10 - - 13 14 2 –				
1 - - 11 - - – – 11 –				
1,500 - - 12 - - 75 – – –				
155 {various rates from 1s. to 2s.} 12 8 1 1/2 –				
3,987 - per diem - £. 150 6 4 - 55,015 18 –				
Deduct,— £. s. d.				
Probable Amount of unclaimed Pensions and Saving by Casualties, after providing for the Charge of new cases - 1,600 – –				
Poundage - - - 2,690 – –				
4,290 – –				
Add,—	3,987	50,725 18 –	3,954	50,417 18 4
Pensions from 11 Oct. 1835, to the Non-commissioned Officers and Drummers who are to be reduced,—on account,				
GREAT BRITAIN - £. 4,900				
IRELAND - - - - - 1,600 - -	- -	6,500 – –		
TOTALS—OUT-PENSIONS of the British and Irish Regular Militia - - - - -	3,987	57,225 18 –	3,954	50,417 18 4
LOCAL MILITIA OF GREAT BRITAIN:				
Reduced Adjutants, at 6s. per diem - - -	1	109 16 –	1	109 10 –
Ditto - - - - 4s. – - - -	162	11,858 8 –	167	12,191 – –
TOTALS—Allowances to Officers - -	163	11,968 4 –	168	12,300 10 –
OUT-PENSIONS:				
No. of Men. d. £. s. d.				
13 - at 5 - - – 5 5 per diem.				
27 - - 6 - - – 13 6 –				
38 - - 8 - - 1 5 4 –				
8 - - 9 - - – 6 – –				
36 - - 10 - - 1 10 – –				
102 - - 12 - - 5 2 – –				
224 - per diem - £. 9 2 3 - 3,335 3 6				
Deduct,—				
Probable Amount of unclaimed Pensions and Saving by Casualties 100 – –				
Poundage - - - 160 – – 260 – –				
TOTALS—Out-Pensions - - -	224	3,075 3 6	236	3,240 10 5
TOTALS—Local Militia of GREAT BRITAIN - - - - - - -	387	15,043 7 6	404	15,541 – 5
GENERAL RECAPITULATION FOR GREAT BRITAIN:				
Regular Militia: Staff and Allowances to Officers	1,584	97,996 11 2	2,752	110,467 17 –
Out-Pensions, including those of the Irish Regular Militia -	3,987	57,225 18 –	3,954	50,417 18 4
Local Militia: Allowances to Officers and Out-Pensions - - - - -	387	15,043 7 6	404	15,541 – 5
TOTALS—REGULAR and LOCAL MILITIA of Great Britain, including the Out-Pensions of the Irish Regular Militia -	5,958	170,265 16 8	7,110	176,426 15 9

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued*.

IRELAND.	Estimate for 366 Days, to 31st March 1836. Nos.	Amount.	Estimate for 365 Days, to 31st March 1835. Nos.	Amount.
		£. s. d.		£. s. d.
CHARGE for the STAFF Retained:				
PAY of Adjutants - each at 8*s.* 0*d.* p' diem	38	5,563 4 –	38	5,548 – –
– Serjeant-Majors - - 1*s.* 10*d.* –	38	1,274 18 –	38	1,271 8 4
– Serjeants - - - - 1*s.* 6*d.* –	250	6,862 10 –	449	12,291 7 6
Lodgings and Fuel Allowance for Serjeant-Majors and Serjeants - - - - - -	- -	1,100 – –	- -	2,315 6 9
Allowance for Medicines and Medical Attendance, 288 Non-commissioned Officers, at 2*d.* per week - - - - - - - - -	- -	125 9 8	- -	307 12 10
Clothing or Compensation, at 1*l.* per man, on the average - - - - - - - -	- -	288 – –	- -	200 – –
Contingent Allowance—18,525 Privates on the Establishment, at one penny per month each -	- -	926 5 –	- -	936 5 –
Allowance for Agency—285 Companies, each at 2*l.* 2*s.* per annum - - - - -	- -	598 10 –	- -	598 10 –
TOTALS for the Staff retained - - - -	326	16,738 16 8		
CHARGE for the NUMBERS to be REDUCED:				
Pay—190 Serjeants, at 1/6 } From 1st April 21 Drum Majors, 1/6 } to 10 October } 1835 200 Drummers, at 1*s.* } On account - -	- -	- - -	21	574 17 6
	- -	4,980 – –	200	3,650 – –
Contingent Allowance:—Allowance for Medicines; Compensation in lieu of Clothing; Lodging and Fuel Allowance;—on account -	- -	850 – –	—	—
Additional Pay, at 4*d.* per diem, to Serjeants acting as Quarter-master Serjeants—on account	- -	110 – –	- -	231 3 4
Gratuities to Men discharged without Pensions; Five months' Pay, in addition to the advance from the date of the Order, to the 10th October 1835—on account - - - - -	- -	1,120 – –		
TOTAL for the Numbers to be reduced	- -	7,060 – –		
TOTAL for the Staff retained - - -	326	16,738 16 8		
TOTAL for Staff, 1835-1836 - - - - -	- -	23,798 16 8		
TOTAL for Staff, 1834-1835 - - - - -	- -	- - -	- -	27,924 11 3
ALLOWANCES to SUBALTERNS, &c. disembodied at the Peace:				
Lieutenants, each at 2*s.* 6*d.* per diem - -	279	12,764 5 –	291	13,276 17 6
Ensigns - - - - 2*s.* 0*d.* – - - - -	107	3,916 4 –	113	4,124 10 –
Assistant Surgeons, 2*s.* 6*d.* – - - - -	15	686 5 –	17	775 12 6
	401	17,366 14 –	421	18,177 – –

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

IRELAND—*continued.*	Estimate for 366 Days, to 31st March 1836. Nos.	Amount.	Estimate for 365 Days, to 31st March 1835. Nos.	Amount.
		£. s. d.		£. s. d.
REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment:				
In 1797: On the Incorporation of the Drogheda with the Louth Militia, one Adjutant, at 6s. per diem - - - -	1	109 16 –	1	109 10 –
In 1829: 2 Paymasters, at 2s. per diem – 4 –				
2 ditto - - 2s. 6d. – – 5 –				
2 ditto - - 4s. – – 8 –				
9 ditto - - 5s. – 2 5 –				
7 ditto - - 6s. – 2 2 –				
22 Paymasters, per diem - £. 5 4 –	22	1,903 4 –	24	2,034 17 6
2 Surgeons, at 2s. 6d. p' diem – 5 –				
1 ditto - - 3s. 6d. – – 3 6				
7 ditto - - 4s. – 1 8 –				
3 ditto - - 5s. – – 15 –				
6 ditto - - 6s. – 1 16 –				
19 Surgeons, at per diem - £. 4 7 6	19	1,601 5 –	20	1,660 15 –
3 Q^{r}-Masters, at 2s. 6d. p' diem – 7 6				
4 ditto - - 3s. – – 12 –				
4 ditto - - 3s. 6d. – – 14 –				
2 ditto - - 4s. – – 8 –				
7 ditto - - 5s. – 1 15 –				
20 Quarter-Masters, p' diem - £. 3 16 6	20	1,399 19 –	22	1,551 5 –
TOTALS Officers on Reduction of Establishment	62	5,014 4 –	67	5,356 7 6
RETIRED ALLOWANCES to OFFICERS disabled by Age or Infirmity:				
Adjutants - - at 8s. per diem - -	13	1,903 4 –	13	1,898 – –
Surgeons - - – 6s. – - -	3	329 8 –	3	328 10 –
Quarter-Masters – 5s. – - -	2	183 – –	2	182 10 –
TOTALS Disabled Officers - -	18	2,415 12 –	18	2,409 – –

RECAPITULATION for IRELAND.

	£. s. d.			
Staff - - - {Retained - 16,738 16 8 / Reduced - 7,060 – –}	326	23,798 16 8	746	27,924 11 3
Allowances to Subalterns - -	17,366 14 –			
Ditto - Reduced Officers	5,014 4 –			
Ditto - Disabled Officers -	2,415 12 –			
TOTALS for Allowances to Officers - -	481	24,796 10 –	506	25,942 7 6
TOTALS - - IRELAND {Regular Militia, exclusive of the Out-Pensions - - -}	807	48,595 6 8	1,252	53,866 18 9
„ GREAT BRITAIN {Regular and Local Militia, including Out-Pensions of the Irish Regular Militia -}	5,958	170,265 16 8	7,110	176,426 15 9
TOTALS for the DISEMBODIED MILITIA of GREAT BRITAIN and IRELAND - -	6,765	218,861 3 4	8,362	230,293 14 6

COMPARATIVE ABSTRACT of the MILITIA ESTIMATES for the Periods from 1st April 1834 to 31st March 1835, and from 1st April 1835 to 31st March 1836.

	366 Days to 31 March 1836.		365 Days to 31 March 1835.		INCREASE 1835-1836.		DECREASE 1835-1836.		CAUSES OF INCREASE AND DECREASE.
	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	
		£. s. d.		£. s. d.		£. s. d.		£. s. d.	
GREAT BRITAIN:									
REGULAR MILITIA:									
Staff	818	54,574 11 8	1,951	64,792 – 4	- -	- - -	1,133	10,217 8 8	
Subalterns liable to serve	567	25,427 17 –	581	25,988 – –	- -	- - -	14	560 3 –	Deaths and Commutations.
Reduced Officers, the greater part liable to serve	136	10,600 18 6	153	11,803 16 8	- -	- - -	17	1,202 18 2	Deaths.
Disabled Officers	63	7,393 4 –	67	7,884 – –	- -	- - -	4	490 16 –	- ditto.
Totals for Staff, and Allowances to Officers	1,584	97,996 11 2	2,752	110,467 17 –					
Out-Pensions of the Regular Militia of Great Britain and Ireland	3,987	57,225 18 –	3,954	50,417 18 4	33	6,807 19 8	- -	- - -	- - Reduction of the Staff, and transfer to Militia List, of Militia Pensions formerly borne on the List of the Regular Army.
Totals Regular Militia	5,571	155,222 9 2	6,706	160,885 15 4					
LOCAL MILITIA:									
Allowances to Reduced Adjutants	163	11,968 4 –	168	12,300 10 –	- -	- - -	5	332 6 –	Casualties.
Out-Pensions	224	3,075 3 6	236	3,240 10 5	- -	- - -	12	165 6 11	- ditto.
Totals Local Militia	387	15,043 7 6	404	15,541 – 5					
Totals Regular Militia	5,571	155,222 9 2	6,706	160,885 15 4					
Totals for Great Britain	5,958	170,265 16 8	7,110	176,426 15 9					
IRELAND:									
REGULAR MILITIA:									
Staff	326	23,798 16 8	746	27,924 11 3	- -	- - -	420	4,125 14 7	Reduction of the Staff.
Subalterns liable to serve	401	17,366 14 –	421	18,177 – –	- -	- - -	20	810 6 –	Deaths and Commutations.
Reduced Officers, the greater part liable to serve	62	5,014 4 –	67	5,356 7 6	- -	- - -	5	342 3 6	Deaths.
Disabled Officers	18	2,415 12 –	18	2,409 – –	- -	6 12 –	-	- - -	One additional day for Leap Year.
Totals, Ireland, exclusive of Out-Pensions	807	48,595 6 8	1,252	53,866 18 9					
Totals, Great Britain, including Out-Pensions for Ireland	5,958	170,265 16 8	7,110	176,426 15 9					
Totals, Great Britain and Ireland, for 365 days to 31st March 1835	- -	- - -	8,362	230,293 14 6					
Totals, Great Britain and Ireland, for 366 days to 31st March 1836	6,765	218,861 3 4	6,765	218,861 3 4	33	6,814 11 8	1,630	18,247 2 10	
					Deduct Increase	-	33	6,814 11 8	
Decrease on the 366 days to 31st March 1836	-	- - -	1,597	11,432 11 2	-	- - -	1,597	11,432 11 2	

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES

FOR THE YEAR

1835—6.

Ordered, by The House of Commons, *to be Printed*,
27 *August* 1835.

REPORT

FROM

SELECT COMMITTEE

ON THE

CONDUCT OF GENERAL DARLING,

WHILE

GOVERNOR OF NEW SOUTH WALES.

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
1 *September* 1835.

Jovis, 30° die Julii, 1835.

Ordered,

That a Select Committee be appointed to inquire into the Conduct of General *Darling*, while Governor of New South Wales, particularly with reference to the grants of Crown Lands made by him, his treatment of the Public Press, the Case of Captain Robison, and the New South Wales Veteran Companies, and the alleged instances of cruelty towards the soldiers Sudds and Thompson, and other persons, and to report thereon to the House.

Veneris, 7° die Augusti, 1835.

Ordered, That the Committee do consist of—

Mr. Maurice O'Connell.	Mr. William Gladstone.
Mr. Chancellor of the Exchequer.	Mr. Sheil.
Lord Stanley.	Major Fancourt.
Lord Viscount Howick.	Dr. Bowring.
Sir George Grey.	Mr. Aglionby.
Sir John Hobhouse.	Colonel Thompson.
Dr. Lushington.	Mr. Horace Twiss.
Mr. Hume.	Mr. Tooke.
Sir Henry Hardinge.	Mr. Wakley.
Mr. O'Connell.	Mr. Henry Lytton Bulwer.
Sir Harry Verney.	Mr. Tulk.
Lord Dudley Stuart.	Mr. Harvey.
Mr. Nicholl.	Mr. Buckingham.
Mr. Bonham.	Major Beauclerk.
Colonel Leith Hay.	Captain Boldero.
Mr. Warburton.	Mr. James Oswald.

Ordered, That the Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

Ordered, That it be an Instruction to the Committee, that they do not include in their inquiry or take cognizance of the proceedings, finding or sentence of the Court Martial held on Captain Robison, at Sydney Barrack, in the year 1828.

Martis, 11° die Augusti, 1835.

Ordered, That Lord Stanley and Lord Viscount Howick be discharged from any further attendance on the Committee; and that Sir Rufane Donkin, Mr. William Henry Ord, and Mr. Freshfield, be added to the Committee.

Martis, 1° die Septembris, 1835.

Ordered, That the Committee have power to report their Observations, and the Minutes of Evidence taken before them, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Conduct of GENERAL DARLING, while Governor of *New South Wales*, particularly with reference to the GRANTS of CROWN LANDS made by him, his treatment of the PUBLIC PRESS, the Case of Captain ROBISON, and the *New South Wales* VETERAN COMPANIES, and the alleged instances of Cruelty towards the Soldiers SUDDS and THOMPSON and other Persons, and who were empowered to report their OBSERVATIONS thereupon to THE HOUSE, together with the MINUTES of the EVIDENCE taken before them :——HAVE agreed to the following REPORT.

YOUR Committee have inquired into the cases of the Soldiers Sudds and Thompson, and in support of the Charges preferred against General Darling in reference to those individuals examined ; Captain Robison, Norman M'Lean, and Dr. Douglass, being the only Witnesses tendered to Your Committee. They also had recourse to the several Papers on the subject laid upon the Table of The House ; but they did not deem it necessary to call for any Witnesses in explanation or defence of the Conduct of General Darling.

Under these circumstances, Your Committee, without entering into any detailed statement of the Evidence, or of the grounds on which they have arrived at that conclusion, beg to report to The House their Opinion, that the conduct of General Darling, with respect to the punishment inflicted on Sudds and Thompson, was, under the peculiar circumstances of the Colony, especially at that period, and of repeated instances on the part of the Soldiery of misconduct similar to that for which the individuals in question were punished, entirely free from blame ; and that there appears to have been nothing in General Darling's subsequent conduct, in relation to the case of the two Soldiers, or in the Reports thereof which he forwarded to the Government at home, inconsistent with his duty as a public functionary, or with his honour as an Officer and a Gentleman.

Your Committee having read the Petition of Mr. Robert Dawson, which has been referred to them, are of opinion that it contains matter which cannot be investigated by this Committee with advantage, the subject being more properly cognizable by the Colonial Office.

No Evidence was tendered to your Committee in support of the remaining Charges comprised in the Order of reference.

1 *Sept.* 1835.

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MINUTES OF EVIDENCE.

Jovis, 20° die Augusti, 1835.

WILLIAM TOOKE, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, called in; and Examined.

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1. WERE you in Sydney in New South Wales, in the month of September 1826?—Yes.

2. In what capacity were you there?—I arrived that month in the command of the Veteran Company; I arrived that month from England.

3. About what period of the month?—About the 13th.

4. Do you recollect the event of what is called a larceny being committed by two soldiers of the 57th regiment, and did that occur before or after your arrival?—That occurred in the month of November, after my arrival.

5. When was the larceny?—The month of October; I arrived in September, and the case of the soldiers, Sudds and Thompson, occurred in the month of October.

6. Were you in Sydney during the trial of these persons, and how long did you remain at Sydney?—Until I was sent up to the command of the Bathurst district, in March.

7. Were you in Sydney on the 22d of November 1826?—I was.

8. Were you in the barracks on the morning of that day?—Yes.

9. Was there any particular parade that morning in those barracks?—There was.

10. What was that parade?—A general order for the troops to assemble to witness a general order being read to the troops, and a ceremony performed on two soldiers who were brought from the gaol to have a certain ceremony, as it is stated in the general order, performed on their persons.

11. Were you on that parade, and in what capacity?—I was on that parade.

12. In what capacity?—Commanding the Veteran Companies.

13. Who commanded at that parade?—Colonel Stewart, of the Buffs.

14. Was Lieutenant-colonel Stewart then acting in any other capacity? was he Lieutenant-governor at that time?—Yes.

15. What troops were on the parade at that period?—The whole of the troops that were off duty in garrison.

16. Was the general order in question read to the men?—It was.

17. Look at that; is that the general order? (*Handing Enclosure, No.* 1.)—That is the general order that was read to the troops.

18. Was this read in the presence of the prisoners on that parade?—To the best of my recollection it was.

GENERAL ORDER.

Head Quarters, Sydney, 22d November 1826.

The Lieutenant-general regrets it has become his duty to expose to the indignation of the troops two soldiers, who have committed an offence under circumstances which leave little doubt that their object was to obtain their discharge from the service. Privates Joseph Sudds and Patrick Thompson, of the 57th regiment, have been convicted of a robbery in the town of Sydney, committed in open day, and without even an attempt to conceal the

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fact, and have been sentenced to be transported to a penal settlement for a period of seven years. The Lieutenant-general, in virtue of the power with which he is vested, as Governor-in-chief, has thought fit to commute the sentence, and to direct that Privates Joseph Sudds and Patrick Thompson shall be worked in chains on the public roads for the period of their sentence, after which they will rejoin their corps. The garrison has been assembled to witness the degradation of these men from the honourable station of soldiers to that of felons, doomed to labour in chains. It is ordered that the prisoners be immediately stripped of their uniform in the presence of the troops, and be dressed in felon's clothing; that they be put in chains, and delivered in charge to the overseers of the "chain gangs," in order to their being removed to the interior and worked on the mountain roads, being drummed as rogues out of the garrison. The Lieutenant-general considers it unnecessary to enlarge upon the disgraceful conduct of these individuals. The ignominious condition in which they are now exhibited to their former comrades is the best commentary on their proceedings, and the total failure of their scheme will furnish a lesson, should it be necessary, to warn others against any similar attempt. In thus drawing the attention of the garrison to the fate of these men, the Lieutenant-general is induced to advert to the cases of John Carney and Patrick Hogan of the 57th regiment, who were lately found guilty of a robbery at Emu Plains, and have been sent to work on the roads, in order that soldiers who wantonly sacrifice their character may not deceive themselves by a groundless hope of escaping punishment. In order to render the example still more complete, the Lieutenant-general feels it necessary to refer to the case of the two men of the 57th, who maimed themselves some time since, with the intent of obtaining their discharge. These, also, have been foiled in their endeavour, and by this time will be enabled to judge whether there is anything in the employment of a scavenger in a remote and insulated settlement, allotted for the confinement of the most atrocious criminals, which can recompense them for the irreparable injury they have inflicted on themselves, and the diabolical offence they have wantonly committed. The Lieutenant-general desires it may be distinctly understood, that pay as a soldier is held to be incompatible with the condition of a felon; soldiers thus situated are not allowed pay for the period they are absent from their corps. They, in like manner, forfeit all claim to pension. The 57th will congratulate itself on the removal, though only for a time, of these men from the corps. It is to be hoped, that by the disgrace they have now undergone, and the punishment which awaits them (seven years' exile in chains), they may be disposed to atone for the injurious effects of their conduct. The above order to be forwarded to the several detachments, and to be read to the men at three successive parades, that every one may be aware of the ignominy which attends delinquents of the character of Sudds and Thompson.

(signed) *H. Gillman,* Brigade-major.

19. Were those men tried by a court-martial, or by a civil tribunal?—They were tried by the quarter sessions, the civil tribunal.

20. You saw them brought on that parade, did you?—Yes.

21. From whence did you understand they were brought?—They were brought in the custody of the civil power from the gaol.

22. Were they taken out of the custody of the civil power, by whom they were brought up to the place of punishment?—They were brought up by the constable; there was the gaol constable in charge of them, and they were brought into the square; the troops were formed in square in barracks, and they were brought into the centre.

23. Were you near them at the parade?—I was within about four yards; three or four yards.

24. State what occurred on that parade?—The parade being formed, the square being formed, the officers commanding the different regiments in the centre, the two men were brought up from the gaol; their regimentals were on them, of the 57th regiment, and they were marched into the centre of the square; as soon as that was done, the general order that has been just alluded to was read by Brigade-major Gillman. Colonel Stewart, who commanded the parade, ordered the men to strip; they were stripped naked, first their regimentals taken off, then their shirts; there was at the same period a wheelbarrow wheeled into the square, in which were certain irons and blacksmith's apparatus; there was also taken from this barrow yellow convict clothing, a yellow jacket, yellow trowsers, yellow cap; this yellow clothing was put on the two soldiers; one of the soldiers was unwell at this period of the operation of stripping.

25. Merely state as to the putting on the irons?—As soon as the clothing was on, the irons were taken out of this wheelbarrow and put on them. As soon as they were placed on them, the blacksmith took the apparatus out of the wheelbarrow and fastened the irons by riveting them on their persons; riveting them round the neck and round the ancles.

26. What

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26. What was the description of those irons?—The irons consisted of an iron collar round the neck with two projecting spikes, from six to nine inches in length, from each side of the collar; there were attached chains down to the basils on the ancles.

27. Were these flat or round, the collar and basils?—Flat; the collar being about two inches broad.

28. Will you examine those irons and see if they resemble in any way, and point out any way they differ from those to which you refer? [*A set of irons of the description stated by the witness were produced.*]—These are not the same irons; I had the irons on my own person.

29. The identical irons?—The identical irons one of the soldiers had on. [*The Witness examined the irons produced.*] These irons are, as near as I can recollect, a *fac simile* of those irons which I had on.

30. Was the collar of that description?—It was of this description, but it appeared to me broader than this a little; they were fastened with two iron basils at the ancle. [*The collar in the irons produced appeared to be about an inch and a half broad.*] They were tied up with a handkerchief round the centre; they were made fast and riveted round each ancle and the neck. When it was put on the neck, it was riveted behind by the blacksmith.

31. What was the appearance of that soldier, Sudds, in coming on the parade?—He appeared to be very infirm; he was supported by a man under the arm, a constable, a man in plain clothes from the gaol, supported him on to the parade.

32. Was he able to take off his uniform and put on his clothes himself?—He was assisted to do so; there were people and the constable assisted him to undo his clothes.

33. Did the other man require such assistance?—The other man was in better health and much more active; he did not require the same assistance as Sudds.

34. Did you observe any levity in the appearance of Sudds in coming on that parade?—Certainly not.

35. Did you look at his body when it was stripped, and what appearance did it generally present?—After being stripped, it being an exceedingly hot day, in the midst of summer in that country, he breathed very heavily and asked to sit down; they told him to sit down; he sat down on the ground; while he sat down on the ground, I had an opportunity of seeing his body, being within a few yards, and his whole body appeared to me, particularly his legs, to be exceedingly swollen.

36. In what manner were these irons put on him; was he sitting down or standing up at the time?—He was obliged to be seated; Sudds was obliged to be seated.

37. Was there a block or anvil which was employed in riveting the irons?—To the best of my recollection there was a piece of iron brought by the blacksmith out of the wheelbarrow, and then he had to hold Sudd's head down, and with the hammer to rivet the collar round the neck.

38. Was he seated on the ground when the irons were riveted on the ancles?—To the best of my recollection they held him up just in this way [*describing*], with a person supporting him under each arm, to see that the chains were not entangled; and as soon as that was the case he was seated down again, and his legs taken by the blacksmith, and the basils fastened round the ancles; by the basils I mean the rings that go round the ancles.

39. Did Sudds make any attempt to address the troops?—Thompson did, but not Sudds, to my recollection. I will describe the man's appearance, if the Committee will allow me: it was dreadfully hot, and the man being in extreme ill health, he appeared to me to be labouring for breath, while this operation was going forward of riveting the irons on him.

40. Was it about Midsummer in that climate?—It was.

41. What was the average heat of the thermometer at that period?—The best answer I can give to that is, that having been in the East Indies previously, I never saw more men *fall out* on parade from the heat than I did on that parade; the soldiers fell out from the heat; they were under arms, and the sun was so strong, that many of them were obliged to fall out, from the heat, of parade, and some of the officers too.

42. Are you aware what was the average height of the thermometer there at Midsummer?—I have known it from 80 to 110.

43. What do you suppose it was that day?—It was as warm a day as I almost

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ever recollect in the country. I should say the thermometer would have stood at 100 in the sun.

44. Was the sun shining strong on the yard where this parade was?—Yes; it was an exposed place; there was no shade; there was no tree.

45. Your evidence is, when that operation took place the thermometer would have stood at 100 degrees?—That is what I mean; it is mere guess; that if the thermometer was exposed in this way, supposing that stick had a thermometer attached to it, the heat would have mounted up to 100.

46. Of whose thermometer?—Fahrenheit.

47. Did you observe the surgeon on that parade, and was any surgeon called in to superintend the punishment?—No, I looked for one, but I could not see one.

48. In what condition did Sudds leave the parade; was he able to walk off?—As soon as the irons were put on him, and riveted on him, he had a man under each arm to help him up.

49. Was there any ceremony; any music, or anything of that kind?—To the best of my recollection two drummers preceded him, and played the Rogue's March as far as the barrack gate.

50. Did you see him further than the barrack gate?—No, I lost sight of him there.

51. You stated Thompson expressed a wish to address the troops?—Yes.

52. What occurred on that?—Colonel Stuart, who commanded the parade, ordered him instantly to be silent; his words were, "Not a word, Sir!" He then attempted a second time to address the troops, and Colonel Stuart said, "that if he persisted, he would try him by a drum-head court-martial, and have him flogged."

53. Did he persist?—No.

54. Are you aware what became of those men afterwards; where were they taken?—They were taken down to the gaol.

55. Did you ever see Sudds afterwards?—No.

56. Do you know what became of him?—He died in the course of five days afterwards; the fifth day after this it was he died.

57. Did those irons appear to you to be large enough for the man's neck and legs, or did they appear to press on the neck and legs?—They pressed on him.

58. Was General Darling on that parade?—No.

[The Witness was ordered to withdraw.

The Committee deliberated.

On the Witness being again called in, the Examination proceeded, as follows:

59. Was that parade assembled by General Darling's orders?—Decidedly.

60. Did you see Sudds afterwards?—No.

61. Was there any inquest held on the body of Sudds?—No.

62. Did any inquiry take place on that man's death; and about what period afterwards, if any?—After his death, it created a great sensation in the town; it was talked of through the town, as the subject of public conversation among the inhabitants.

63. Did some inquiry take place in the course of the summer, or before the close of the year?—Yes.

64. Who presided at that inquiry?—General Darling.

65. Now did you ever see Thompson again after that ceremony?—Yes.

66. Where did you see him?—In the barracks at Sydney.

67. On what occasion?—After his return from transportation to Morton Bay.

68. In what year was that?—1829 I think; it was the year before I left.

69. Was Thompson to your knowledge worked in irons afterwards?—After what period?

70. After you had seen him punished?—Yes.

71. Did you see those irons, or either of those sets of irons, afterwards?—Yes.

72. When did that take place; did you try them on?—Yes.

73. State the circumstances to the Committee, and state which set of the irons they were?—On my return from the command of the Bathurst district, in company with Lieutenant Christie of the Buffs, (now Captain Christie), we stopped at the government station called the Emu Plains, for the night; it is about 40 miles from Sydney, at the foot of the mountains; we dined at the government farm, which was then under the charge of Mr. Kinghorn; some time after dinner the subject happening to turn upon the case of Sudds and Thompson, and Mr. Christie having

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been up at Wellington Valley during the time, and taking great interest in it, Mr. Kinghorn, who had charge of the farm, said that it was a singular circumstance that he had the charge of the irons, which were then in his possession.

74. Were you shown any irons on that occasion?—Yes, Mr. Kinghorn brought a set of irons and produced them.

75. Were those similar to the irons you had seen put on those persons in Sydney?—Yes.

76. Were they the irons that were put on Sudds or Thompson?—I cannot swear that they were.

77. Did you try those irons?—Yes.

78. What, to the best of your opinion, was the weight of those irons?—Between 30lbs. and 40lbs.

79. What was the degree of similarity in those irons to those you saw put on Sudds and Thompson?—They corresponded in every circumstance; they corresponded with reference to the collar and spikes; with the chains and basils round the legs, and the irons that connected those basils.

80. Did they appear to you to be of the same dimensions?—They did, for I tried them on.

81. What weight were those irons which you then tried on?—I guess them between 30lbs. and 40lbs.

[The Witness was ordered to withdraw.

On being recalled, his Examination proceeded, as follows.

82. In what condition were those irons when they were produced to you?—Covered with rust.

83. Were you examined before the Executive Council in 1829?—I was.

84. Were you then examined as to having been shown a set of irons at Emu Plains as those which had been on Private Thompson of the 57th regiment?—I was.

85. What was the month?—In May.

86. Were there any irons then shown you before the Executive Council?—Yes.

87. Were they similar to the ones which you had seen at Emu Plains?—In some respects.

88. Did you try those irons on before that Executive Council?—Yes.

89. In what did they resemble those which were shown you at Emu Plains, and in what did they disagree from them?—I tried them on; the first remark after I had them on my person was that they were much lighter towards the bottom; the connecting chains at the bottom; the rods at the bottom appeared much lighter. The collar round the neck and the spikes were similar, and so were the chains downwards, but they were evidently much lighter on the lower part of the legs, and so I stated to the Council.

90. What was the appearance of those irons which were shown you before the Executive Council?—The appearance was precisely, as far as the collar and chains went, of those I tried on at Emu Plains, but they appeared much lighter.

91. Did they appear to be rusty or appear to be new irons?—The difference I remarked between those I saw at Emu Plains and those shown to me at the Executive Council was, those at Emu Plains were all rusty, and those at the Council were apparently clean, and more in the state of those now exhibited.

92. Was it stated those were the same irons you had tried on at Emu Plains?—I was asked the question "if they were?" and I stated, "in my opinion they were not." They were like them, but there was wanting the weight below.

93. The witness has stated the irons exhibited before the Executive Council were like those now exhibited. There is no description given of the appearance as to rust of those exhibited?—Those that I tried on at Sydney were clean, and free from rust.

94. You were not examined before the Executive Council in 1826?—No.

95. You have stated you never saw Sudds afterwards?—No.

96. Do you know what became of him?—He died five days after.

97. Do you know that, except from hearsay?—I did not see him dead.

98. Have you been in India?—In the East Indies I have.

99. What is the usual heat of the sun in summer?—It varies according to what part of the Indies you are in, and the season of the year.

100. In what part of the Indies have you been?—The whole three presidencies, Bombay, Bengal, and Calcutta.

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101. To which part of the Indies did you refer when you said "the heat of the parade where the irons were put on was as hot as that in India?"—I referred to the climate of India while I was in the East Indies. I found the heat of the sun as oppressive to me during the time I was exposed there; it had the same effect on the troops during the time they were in the square as if they had been paraded in the East Indies: the sun was so very warm at the time, and from the men falling out from the extreme heat.

102. Do you mean to say the heat in India is not greater than 100 in the sun?—I do not mean to say so.

103. You said the heat on that parade was 100 in the sun?—I said according to my opinion.

104. Now when the irons were put on the prisoner's body, did he walk to the barracks alone, or was he supported?—Which prisoner?

105. Sudds?—He was supported.

106. The whole way to the barracks?—From the entrance into the barrack-gate, as far as I saw him, to the square of the parade.

107. Do you mean when he came from the barracks?—When he came from the gaol to the barracks.

108. Where did he go to when he had the irons put on?—He went back again to the gaol; I could only see him as far as the barrack-gate.

109. As far as you saw him he was supported?—Yes.

110. By two men?—Yes.

111. Had he been in good health would it have been necessary he should be supported?—Decidedly not; because Thompson was not supported.

112. You said that when Sudds rose from the ground he was supported and assisted to rise?—Yes.

113. Could a man in good health have risen with the irons on without any assistance?—Yes; Thompson did.

114. Are you prepared to say those chains which you saw before the Council might not have been the chains you saw at Emu Plains, cleaned; might they not have had the rust rubbed off them?—Unquestionably they might have done so.

115. If they had been used after you saw them at Emu Plains might not the use of them have put them into the same state as those you saw before the Council?—If the irons that I saw at Emu Plains had been cleaned; but the appearance of the irons altogether was not of the same appearance of those that I saw at Emu Plains.

116. What was the difference excepting the rust?—They appeared to be cleaner in every respect; they appeared to be fresher; they were all covered over with heavy rust, when I had them on at Emu Plains; and they appeared to be quite fresh when I tried them on at the Executive Council.

117. Might not the rust have been rubbed off, so as to leave the appearance such as you saw?—Such a thing might be, no doubt, but it appeared to me they were fresher; they did not appear to me to be the same.

118. Was there anything different in the appearance?—In the weight.

119. In the appearance?—No, there was not.

120. Except the absence from rust, was there anything in the appearance to induce you to believe they were not the same irons?—And their lightness.

121. You are asked what you looked at?—They looked the same.

122. Might not the other irons if they had been cleaned exhibit the same appearance?—Yes.

123. Might they, in your judgment, require great care in cleaning, or might the habitual use of them bring them to the state you saw them before the Council?—I should say from the time I had them on at Emu Plains, it must have required great pains to have got the rust off them.

124. What was the space of time between your putting them on at Emu Plains and the examination before the Council?—I put them on at Emu Plains, to the best of my recollection, June 1827, and I was examined before the Executive Council at Sydney, in May 1829.

125. Have you ever seen the irons that you tried on at Emu Plains from that time?—Until I saw them at the Executive Council I had not.

126. You had never weighed them?—No, not weighed them.

127. Is your recollection sufficiently accurate, that after the space of two years you could state on your credit that you believe they were lighter below, and therefore

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fore not the same irons?—Decidedly I could; because I stated my impression at the time to the Council.

128. Had you ever stated to anybody, after you tried them on at Emu Plains, what weight you thought they were before you were examined at the Council?—Unquestionably I may have spoken of it very freely in conversation.

129. Did you?—Yes.

130. Who did you ever tell?—I should scarcely know whom I did not tell.

131. Mention anybody you told what weight they were after you put them on at Emu Plains?—I mentioned it generally when I had got down to Sydney, to the officers generally that I associated with, the chief-justice and the judges, and the civil and military officers.

132. What was the weight you believed them to be at that time?—I guessed between 30 and 40 pounds.

133. Did you state that to many people?—Yes, I have no doubt I did; if I was asked the weight, I have no doubt I stated it; the impression on my mind is that I did.

134. What, in your judgment, was the weight of those that you tried on before the Executive Council?—They were lighter; I cannot say the weight exactly; but considerably lighter than those I tried on at Emu Plains.

135. Can you give the Committee no opinion how much lighter?—I really cannot; it was all guess work; I should say several pounds; some pounds.

136. Who produced the irons before the Executive Council?—The clerk of the Council.

137. Did you state your opinion before the Council, in the presence of the clerk, that they were not the same irons?—Yes.

138. Were any other irons produced?—There were two sets of irons, to the best of my recollection, produced before the Executive Council in 1829.

139. Have you any positive knowledge as to those irons which you saw at Emu Plains; what led you to believe they were the same irons?—The person who had charge of them told me so; Mr. Kinghorn.

140. With respect to the parade, there was no medical officer present?—I looked round for one, and could see none.

141. The whole garrison was there?—All the garrison off duty; all except those on duty.

142. How many regiments do you suppose were there?—There were parts of regiments only; it was the head-quarters of the Buffs; the head-quarters of the 57th, and some companies of the 39th, and of the Veteran Companies; such men as were with me were present on the parade.

143. There were no medical officers on the parade?—I could see none; I looked round for one.

144. There might have been one without your knowing anything about it?—I particularly looked for a medical officer. I fell out to look. I hoped to see a medical man, and I could not see one.

145. You did not ask for a medical man?—Yes, I did. I asked my covering serjeant.

146. Did he go to inquire?—To the best of my recollection he did; he fell out, and said there was none.

147. Should you not think it was almost impossible there should be three regiments on the parade; the 57th, the head-quarters of the Buffs, and another regiment, without any medical officer attached to any one of those regiments?—When you come to consider the nature of the duty in New South Wales it was not; if the transaction took place in this country, and there were three regiments, I should say it was.

148. Was it an extraordinary circumstance that there should be none on this occasion?—It was. I hoped there would be one. I saw the man's state of health, and I looked for one. There were a vast variety of detached duties in New South Wales; it does not necessarily follow, as it is usual in other military garrisons, that the medical men are always with the head-quarters.

149. Can there be any doubt on this point, that there must have been a medical man with some of those regiments at head-quarters?—It did to my own knowledge so happen, that the surgeon of more than one regiment had never joined while I was there, and that surgeons of other regiments were attached to them to take charge of them. I know it was the case with the Veterans; he was taken and put

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to another duty, and an assistant-surgeon of the 39th transferred to take charge of the Veterans.

150. You cannot state whether the 57th regiment had a medical officer at Sydney?—I am pretty certain there was not a surgeon at that time.

151. Nor assistant-surgeon?—I will not say there was not an assistant; there must have been an assistant.

152. And with the Buffs?—Yes; I recollect surgeon Irvery of the Buffs being at head-quarters, but not on that parade.

153. What other regiment did you represent as being on the parade?—There were the head-quarters of the Buffs, the head-quarters of the 57th and part of the 39th.

154. Was there a medical officer of the 39th at head-quarters?—To the best of my recollection there was an assistant-surgeon of the 39th, who had arrived with the first company.

155. Then there being a medical officer at head-quarters with each of those regiments, you are perfectly certain there was no medical officer present on the parade?—I saw no medical officer present; I particularly looked to the 57th regiment, I asked my serjeant to look for one, and he said he did not see one.

156. Did you make any inquiry afterwards respecting so unusual an occurrence?—I did not inquire as to that particular point.

157. Did you hear any other person make an observation on the subject as to this extraordinary occurrence?—Unquestionably; the men were all looking about when they saw the sick state of this man's health; the men under arms looked about and said, "where is the doctor."

158. You heard those words?—Yes, I heard those words.

159. Was there a garrison staff-surgeon at Sydney?—There was not; I must qualify that as to the garrison staff-surgeon; there was a medical officer, but I am not certain whether at that period, or subsequently, a staff assistant-surgeon.

160. Were there any persons whose duty it ought to have been to have attended that parade?—I should have said, it was the duty of all the medical men of the different regiments; that would be the usual custom, and particularly of that regiment to which the man belonged as to whom the punishment was to have taken place.

161. If a report had been made by Sudds of the ill state of health before he came to the parade, would he have been excused attendance from that parade?—He was under the charge of the civil power; he was brought from the gaol by the hands of the civil power, and placed on the military parade.

162. If he had reported himself to the surgeon of the gaol before he had been brought on the parade as unfitted to go on the parade, would it have been that surgeon's duty to have prevented him going there?—There is no question if the surgeon saw him in that state it would have been his duty to have reported the circumstance.

163. Had he not been discharged from the hospital some short time before?—These are circumstances that do not come within my own immediate knowledge; I can only speak as to the state of the man's health when I saw him at the time; as to whether he had been or had not been in the hospital did not come under my knowledge.

164. Do you know whether he reported himself ill immediately on leaving the parade?—It was obvious to me there was not a person on that parade, if he was now brought here, that would not speak to the state of that man's health at the time.

165. Have you any knowledge as to whether, on leaving the parade, he reported himself ill to the gaol surgeon?—I never went to the gaol, and therefore I cannot tell.

166. Do you know whether he did report himself ill?—Not following him to the gaol, I cannot speak of my own knowledge; if I am asked whether I heard that he did, I can say that I did hear that he did.

167. You said there was no inquest held on Sudds?—Yes.

168. Is it usual when a man dies in the hospital to have a coroner's inquest?—When there are unusual circumstances attending his death.

169. Then, generally, it is not usual when a man dies in the hospital?—Not if he dies a natural death.

170. Was it the practice to hold an inquest on those persons who died in the gaol hospital?—I have heard of inquests being held.

171. Is

171. Is it the usual practice?—It depends entirely on the cause of the death.

172. If it had been a case in which it was usual to order a coroner's inquest, would it have been General Darling's duty to have ordered that coroner's inquest? Decidedly, I should say so, when a soldier was concerned.

173. But being a civil convict at that time, and in a gaol, was it General Darling's duty to order an inquest on him, he being at that time a convict and in charge of the civil power?—The general order stated that he did not lose his military capacity while he was under the charge of the civil power, and therefore he differed in that respect from the rest of the convicts.

174. Was there any special report made by the surgeon of the gaol hospital on that occasion to General Darling?—If I am asked to speak to that question here, my answer must be only hearsay in that respect, I have no personal knowledge of it.

175. Had you any conversation on the subject with the surgeon of the gaol?—Subsequent to Sudds's death?

176. Yes, shortly after Sudds's death?—I rather think not; to the best of my recollection, certainly not.

177. If anything very extraordinary were to take place in a military hospital, and this circumstance had happened in a military hospital instead of a gaol hospital, should you not think, as a military officer, that the surgeon would make a special report to the commanding officer on the occasion?—Unquestionably.

178. Did General Darling institute an examination before the council shortly after the death of Sudds?—Before the Executive Council he did.

179. Was not that rather a departure from the ordinary usage on the side of inquiry?—I should say yes, because it was partial; there were only a certain number of people examined.

180. Was it not a departure from the ordinary usage, to have an inquiry at all on the subject, on the death of a man in gaol?—Decidedly; it was so far a departure that according to ordinary usage there would have been a coroner's inquest.

181. Was it not a departure from the ordinary usage for the Governor to institute an inquiry at all before the Council on the subject?—Decidedly.

182. Does not that appear to your mind as if General Darling was anxious to institute an inquiry on that subject?—The impression on my mind (and that is the question put to me) was that General Darling was most anxious to make a report home of the circumstances.

183. Did not General Darling some time after this, order some examination into the circumstances connected with the hospital, and into the state of the hospital?—That I only know from hearsay.

184. Was not the Chief Justice of the island present at the inquiry before the Council?—On the first inquiry Chief Justice Forbes was present; that was in December 1826.

185. You have stated you tried on yourself the irons that had been upon Sudds or Thompson, one or the other; you have stated also, that you tried on the irons produced at Emu Plains, which you were informed by Mr. Kinghorn was one or other of these sets of irons; did you try on the irons at any other time except the time you tried them on at Emu Plains?—None.

186. Therefore the certainty that you have of having tried on these identical irons rested on what Mr. Kinghorn told you?—The certainty on my mind being, from having seen the original ceremony performed, and being close to the soldiers when they were put on, seeing them, and trying them on my own person afterwards.

187. But you only know or believe that these were the same irons in consequence, in the first place, of having seen them; and in the second place, of Mr. Kinghorn telling you they were the same; you have no other means of knowing they were the same?—I have no other means of knowing it.

188. Does it consist with your knowledge, that General Darling was aware of the nature of these irons previous to their being put on these two convicts?—Personally not.

189. You said many men fell out from the parade; what do you mean by "many;" 50?—I speak with reference to the number of troops on the parade, and I speak as to the oppressive heat of the day; that the sun was so hot that perhaps with reference to another period during the whole of that summer you would not have found one-half the number fall out.

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190. When you say many, do you mean 50, 20, 10, 5, 2?—I should say full a dozen.

191. Have you any doubt whatever that more than two fell out?—None whatever.

192. On the credit you are receiving with the Committee?—I say more than two fell out.

193. You have no doubt a dozen?—I am now speaking as to the impression on my mind; I cannot speak as to the "no doubt."

194. What capacity were you in at that time?—Captain in the New South Wales Veterans, and commanding those companies that remained at Sydney on the parade that day.

195. Were you at that time on good or bad terms with General Darling?—On good terms.

196. Nothing had occurred to break the good understanding between you?—Certainly not, with the exception of this: on my arrival, from the very first day, it became my unfortunate duty to report certain complaints of the men not having received what they conceived to be their due when they landed, not being put into barracks, and being put in a place where the rain came in; I would not call that having a misunderstanding personally.

197. Had you expressed your discontent at the manner in which General Darling received those representations from you?—I think I had stated, through his military secretary, that I felt, having charge of the men, that it was a pity, as old soldiers, that they were not treated like all the rest of the troops of the line.

198. Did you express any dissatisfaction of General Darling's conduct to you?—Personally none to me; as to the men I have explained.

199. Did you at the time make any remonstrance or representation to anybody, military or civil, on the subject of Sudds's treatment on the parade?—Officially?

200. Did you in any shape on the parade, go to any person, civil or military, who could have redressed the grievance you state to have existed; did you make any remonstrance to any person?—Officially none, further than the expression of my opinion of the facts which several witnessed, it was not my province.

201. Although no medical man was present at that time, and although what you saw was such as to excite something like a sensation of horror in your mind, you did not make any remonstrance to anybody, civil or military?—I expressed my opinion very decidedly among my brother officers at the place, but I made no official remonstrance; it was not my province to do so.

202. Have you ever before to-day seen the irons which lay in that green cloth?—I saw them yesterday.

203. Never before yesterday?—No.

204. You have never weighed them?—No.

205. Do you know who made them?—Of my own knowledge I do not know; if the Committee will allow me to say what I do know, it will save time.

206. Were they made by your order or under your direction?—Most decidedly not; I had neither hand nor part in it.

207. Can you tell me by whose order they were made?—Decidedly, I know the gentleman.

208. Did you hear the gentleman give the order?—No; but I heard the gentleman say he gave the order.

209. Who is the person you heard say he had given the order?—There was Mr. Maurice O'Connell and Mr. Stephen, both together; and I heard Mr. Stephen say that he had given the order to have a set of irons made, as I understood. Mr. Maurice O'Connell and Mr. Stephen were together when this conversation took place; I never saw them, and I knew nothing about them until they were shown to me yesterday, and then they asked no questions about them.

210. You have not weighed them?—I did not, and never interfered with them.

211. Did you see the plan from which they were made, or whatever it was, whether by a plan, model or description?—I saw no model nor no plan.

212. Did you see or hear the instructions from which they were made?—Decidedly not.

213. You do not know how far the maker of those irons may have followed his directions or his own fancy?—I know nothing about the maker at all.

214. What relation is the Mr. George Stephen to you, whom you speak of?—He is first cousin to my wife.

215. You say you heard the men under arms asking, "Where the doctor was," upon

upon the parade?—I saw men in the ranks turning about, and asking, "Where the doctor was?" Capt. R. Robison.

216. How far were you from any of these men who spoke?—Just in the front of them, as far as I may be from you now, (*about two yards.*) 20 August 1835.

217. And they were under command of their officers, were they?—The veterans were under my immediate command; all the troops are under the command of the senior officer.

218. Were they reproved at the moment?—There was no reproof.

219. Were they reprimanded for speaking under arms?—Seeing the man brought forward, seeing one so unwell, the men turned round to look for the doctor, evidently with reference to the state of the man's health, expecting the doctor would attend, according to the usual course.

220. The question is, whether you reprimanded them for speaking while under arms?—I called out "Silence."

221. Did they speak, or merely look round, intimating, "Where is the doctor?"—As near as I can convey an impression to this Committee, it was looking round for "Where is the doctor?" to see where the doctor was, expecting the doctor would come up.

222. Do you mean to say they did or did not make any observation on that occasion?—I did not, in the ranks, hear them say anything.

223. You spoke of two drummers playing before the men, (when they were leaving the square, and as long as you saw them,) "The Rogue's March;" is it or not a universal practice, when a man is drummed out of a regiment, that that march is played?—Not a universal practice; it is a common practice.

224. You said you guessed the weight of the irons to be between 30 lbs. and 40 lbs.?—I did.

225. Did you ever apply any test, or take any means to ascertain whether that guess was or was not right?—Never.

226. Did you observe the soldiers, as they were marching from the square, display any levity?—Certainly not; not in my sight.

227. Are you sure they did not dance to the tune of "The Rogue's March"?—Most assuredly not, as far as I saw; I could only see as far as the gate of the barracks.

228. What was the name of the person who produced the irons before the Executive Council?—When I was brought before the Council, as I may be before this honourable Committee, the gentleman who acted as clerk of the Council, as this gentleman may do here, he went and produced from under the table a box, in which the irons were contained.

229. What was his name?—Mr. Thomson.

230. Was he examined in your presence?—He was merely the clerk, taking down the minutes of what occurred.

231. Was he examined?—To my knowledge, I cannot say.

232. You did not hear him examined?—No.

233. Did you hear Matthew John Gibbons examined?—I heard nobody examined but myself; there was only one in at the time, the same as here.

234. To whom did you state you thought the irons before the Council were lighter below than those which you had tried on at Emu Plains?—To the Council.

235. Were any steps taken, in your presence, to ascertain that by weighing them?—None in my presence.

236. Did you put in any written protest?—I found it necessary, when there were certain questions put to me by the Colonial Secretary, Mr. M'Clay, to give a full answer to the question as it was put to me. Mr. M'Clay wished to stop me, and wished me only to give a certain portion of the answer; and in that case I was obliged to protest before the Council respectfully, which I did, to allow me to explain, and give my whole answer.

237. Was any remark made to you when you said they were lighter below than the irons you had previously tried on by any of the Executive Council?—I think there was.

238. By whom?—To the best of my recollection, Colonel Lindsay or Mr. M'Clay; I think they both did.

239. But they were not weighed, that you know of?—They were not weighed in my presence.

240. And you did not hear any of the other witnesses state their opinion as to the weight?—Not before the Council.

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241. Did you ever understand, from any of the Executive Council, that they were weighed?—They did not tell me so.

242. Were you on good terms, at the time of this parade, with Colonel Stuart, who presided at the parade?—At that time I was.

243. You saw the men look round, and you heard them call out "Where is the doctor?" and you yourself have stated to the Committee that such was the state of health of Sudds, as to his swollen legs, that you yourself thought that the placing of the irons on him at that time was an act of very great inhumanity?—I did so.

244. Being on good terms with Colonel Stuart, who commanded on that parade at which you say you did not see a doctor, could you not, without any breach of military discipline, have expressed your surprise to him that he, as commanding parade on such an occasion, had dispensed with the service of a surgeon?—Most assuredly, consistent with my notion of military duty, I could not have gone and taken that on myself when there were much senior officers on that parade, commanding the 57th regiment and the others, and also field officers in the army; I did not think it became me, or that it was my duty to remonstrate.

245. So that you never hinted in private to Colonel Stuart at the time, or shortly after that parade, that in your opinion the punishment was improper, inasmuch as Sudds was in so bad a state of health?—Most decidedly I did, privately.

246. To Colonel Stuart?—I was an honorary member of the Buffs' mess; but if I am asked whether I expressed my private opinion to Colonel Stuart personally, I am not aware I did.

247. Had Colonel Stuart the same means of observing the state of Sudds's health on the parade that you had?—Unquestionably.

248. Then Colonel Stuart, seeing a soldier who was to be punished on that parade in a state of health which you describe, permitted these heavy irons to be placed on him; no surgeon being present, and no question being asked by Colonel Stuart as to the fitness of the soldier to suffer that?—Colonel Stuart did allow all that.

249. Now do you consider that General Darling personally could have known of the state of Sudds's health, such as you have described it, when he, Sudds, was brought on parade?—God forbid that I should say so, or think so.

250. Then the witness does not believe that General Darling, at the time that Sudds was punished, in any respect knew of his state of health?—I thoroughly believe that if General Darling himself had been on that parade, and witnessed the wretched state of that man's health, that he would not have suffered it to have taken place.

251. Are you aware whether Colonel Stuart on going off the parade, having had the same means of observation that you had, reported the circumstances to General Darling?—I have no personal knowledge of that.

252. You have stated that there were three regiments at Sydney at the time; there must have been at least one medical officer with each of those three corps; is it not the usual practice, when there is a garrison parade for a purpose similar to that which brought Sudds and Thompson before the parade, to have a medical officer of some rank or another on parade?—Unquestionably.

253. You therefore have no knowledge whether there actually was a medical officer on the parade or not; but, if you are understood right, you say you did not see one?—I looked round first for the medical officer of the 57th; I could see none; my serjeant, who was covering me, went and fell out to the rear; he looked out, and he said, he saw none; and I looked out, and could see no medical officer of any sort.

254. The result of Sudds's death having caused a considerable sensation in Sydney, and very much of the propriety of putting the irons on him depending on the state of his health, was not the circumstance of no medical army surgeon being present at that parade commented on as a very unusual circumstance, or was it in conversation admitted there was a medical officer on parade, but who did not appear to examine Sudds?—The whole transaction was considered a most uncommon one altogether, and a most unprecedented one.

255. If blame be attributable to the mode in which Sudds was loaded with these irons on the parade (as it is your belief that had General Darling been present he would have seen the condition of that man, and would not have permitted it), in your estimation is the blame of there being no medical officer attributable to General Darling, or to Colonel Stuart, if there be any blame?—If I were commanding a regiment, or part of a regiment, or commanding a punishment to

take

take place of that sort, and no medical person had been present, I, as commanding officer, in that respect would have had an explanation of the reason.

256. Was blame attributable to any one for a surgeon not being present, under all the circumstances, on the occasion?—I should say, yes.

257. To whom do you attribute the blame of there being no surgeon on that parade?—To the individual who ordered the punishment.

258. Do you mean to say, that a governor ordering a parade, and the colonel commanding that parade, having three regiments under his orders, and no surgeon being present, the blame is attributable to the governor of the province, and not to the officer commanding the parade?—If I understood it in the way in which the question was put, I should decidedly give a different answer; but this being a totally unusual punishment, and a punishment that never before was heard of, I then qualify it distinctly, by stating it was the duty of the individual who ordered that extraordinary punishment to have seen that there was a medical man present; that is my opinion.

259. The Governor not being on that parade, are you not aware, the colonel commanding on parade, and ordered to carry that punishment into execution, that it was his business to see that the surgeon was present on that parade?—Most decidedly; but then the question I understood to refer to a common and ordinary and every-day punishment; a usual punishment understood in the army.

260. Do you mean to say that General Darling was aware of the state of Sudds's health at the time that parade was ordered, and this punishment was inflicted?—I have no reason to know General Darling was aware of it. I have already said I believe, and thoroughly believe, that if General Darling had himself been an eye-witness of the dreadful state of this man's health, and he had seen him, I say I do not believe General Darling would have been capable of allowing the punishment to be inflicted; but if it is put to me to say, "Whose duty was it to have a surgeon there?" I view it in the way I have stated; considering it a punishment totally unknown to the army before. I do say, then, that as it was not a common and ordinary punishment, that it was the duty of the individual who ordered it, to have seen there was a medical man to superintend that extraordinary punishment.

261. Supposing the man to have been in good health, was there anything on that parade required to be done which required the presence of a surgeon to superintend the punishment?—Yes, the very nature of the punishment itself.

262. You have stated that you consider General Darling, if he had been an eye-witness to the infirm state of Sudds's health, was incapable of having ordered the irons to have been put on him, under such circumstances?—Distinctly I stated if General Darling had been present himself on that parade, and had seen what I had seen with my eyes, I do not believe that General Darling would have suffered the man to have had these things put on him.

263. You stated that when you were at Emu Plains, that after dinner you tried on these rusty chains, which were supposed to have been the same that Thompson had worn?—Yes, I stated that it was after dinner.

264. Was that the only occasion on which you ever tried on these chains?—Except afterwards, before the Executive Council; or at least what they said were the chains.

265. The first was in 1827?—Yes.

266. Nearly two years had elapsed, in 1829, when you appeared before the Executive Council and put on those chains?—Yes.

267. Is your recollection of the weight of the chains, which you put on after dinner at Emu Plains so accurate, that you can undertake to say that the weight was materially different from what those others were; that they were materially lighter than those you put on at Emu Plains?—This is a mere matter of opinion, and I have been already cautioned to give nothing more than what I know to be the facts; I did qualify that opinion by stating, "it was the impression on my mind," and it is so still; they were covered all over with rust when I saw them at Emu Plains, and two years afterwards when I saw them, perfectly clean; the impression on my mind was and still is, that they were infinitely lighter below than those I tried on at Emu Plains.

268. Then upon a matter of weight, on so unusual a circumstance as that of a commissioned officer, out of curiosity, putting on himself the chains of a convict only once, having, and after an interval of two years, had similar chains on you, before the Executive Council, would you undertake to say, with the same solemnity that you would do on your oath, that in your opinion the chains so put on by you

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before the Executive Council were materially lighter than those you had on after dinner at Emu Plains?—I decidedly say my impression was that they were, on the lower part of them.

269. How much lighter?—That I cannot say. At Emu Plains it was by candle-light I had them on, and after dinner, and the impression on my mind is all I can state; that they were considerably lighter, the lower links of them.

270. How much lighter in weight?—I really cannot say, because when I came to consider the thing afterwards, and seeing the thing in such a different state, as I stated before the Council. I stated then, which I have a perfect recollection of now, "I will put it to you, gentlemen, if you saw the thing by candle-light, and covered over with rust, after dinner, if you were brought in here in the middle of the day and shown these irons all clean, whether there would not be an impression on your mind as to the alteration of them."

271. Then when you saw the irons at Emu Plains in 1827, it was at candle-light?—Yes, it was.

272. And when you saw the irons which were before the Executive Council, it was at day-light?—Yes.

273. Then the difference as to the colour and appearance of the irons is subject to the variation of difference between candle-light and day-light?—With this difference; on the occasion at Emu Plains when I tried them, I was covered all over with rust. I had on my blue undress coat; that was by candle-light; when I saw them subsequently, before the Executive Council, it was by day-light, and those chains were quite clean and fresh.

274. If the difference in the weight between the chains put on by you at Emu Plains, and those put on by you before the Executive Council, was so small that you cannot state to this Committee what number of pounds weight they differed, do you consider there was in the weight of those chains so produced before the Executive Council, any material difference as to weight?—There was a material difference, but what the difference was I cannot state; the first impression on me was, when I put them on, "Where are those connecting links of the legs which I found at Emu Plains? these are not so heavy as those I had on at Emu Plains."

275. Does not the strength of a man, and his impression of what weight may be, depend in a certain degree on his state of health or the fatigue between two different periods, varying as you stated, nearly two years; remembering, in the first instance, you put them on after dinner, and at candle-light; and in the second instance, you have them on in day-light before the Executive Council after an interval of two years; may not the circumstance of your having travelled the day you came into Emu Plains, and recollecting it was after dinner, have induced you not to form the most accurate estimate of the weights of the chains?—Certainly, in the way that question is put, such a thing might have occurred.

Veneris, 21° die Augusti, 1835.

WILLIAM TOOKE, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, again called in; and Examined.

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276. YOU have stated that you put on the irons at Emu Plains, that were stated by Mr. Kinghorn to be the same that Sudds and Thompson had worn?—I have.

277. Could you stand upright in those chains?—To the best of my recollection, as to the ones that I tried on at Emu Plains, I think, if I recollect right, they were a little short for me—something short for me.

278. Were they materially short?—No, I do not think they were, not materially short; but they were short—they required me to bend.

279. You are aware Mr. Kinghorn, in his statement before the Executive Council, to which he subsequently swore, stated his recollection of your having stood upright and laid down in those chains when they were put on you?—Yes, and I stated so myself.

280. What

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280. What is your height?—The last time I was measured I think I was about five feet ten and a half or five feet eleven.

281. Refresh your memory from what you recollect of the evidence given in before the Executive Council, and state what was the height of Sudds reported to be—was it five feet seven or five feet seven and a half?—Somewhere about that.

282. Consequently, you being from five feet ten to five feet eleven, and the culprit Sudds who had on these irons being only five feet seven and a half, have you any doubt in your mind whether he, being so much shorter than yourself, could stand upright in those iron chains?—I should decidedly say he could stand upright.

283. Are you aware that, from the statement made by the convict Thompson on board the hulks, when Mr. Wentworth took his examination, that Thompson states distinctly, "that he believes that Sudds could not only stand upright, but could lay down and recline in any position?—I am not aware of that.

284. Is there not in the Parliamentary papers this passage, "I believe that Sudds could lay at full length with his irons on, either on his back or sides?" This is the statement made to Mr. Wentworth on board the hulks, taken down by him as the statement made by Thompson; and it further goes on to say, "Sudds did not complain of the irons being too short, but complained that the collar was too tight, and the basils too tight for his legs." Do you believe that to be an accurate statement?—When I had them on at Emu and before the Executive Council, if I wished to turn when I lay down I could not. If I was on my back I could lay straight on my back; but if I wished to turn on my side I must necessarily contract my legs, in order to pull round the spikes.

285. Are you aware that a soldier of the 57th regiment selected by the Executive Council or commanding officer, at the request of the Executive Council, was produced before the Executive Council of the same height as Sudds, taken from the regimental book of heights of soldiers, and that he, before the Executive Council, had the irons in which Sudds had been placed put on him, and that they were found to be quite sufficient to allow him to stand upright and to lay down in any position?—I am not personally aware of the fact; the Committee have already cautioned me to speak to nothing but what I am personally aware of.

286. Were you present?—I was not present.

287. Are you aware that it appears in a printed paper, number 538, at page 10, as follows: "that the chains which have been examined weigh exactly 13 lbs. 12 oz., and having in the presence of the Council been put on a soldier of the 57th regiment, selected by his commanding officer as being of the same stature, five feet seven inches and a half, the size of his comrade Sudds, their dimensions were found to be ample, and there was nothing in their construction to prevent a man laying down in any posture?"—Not having been present at the Council, I am not aware of the fact itself.

288. Are you aware the statement appears in the printed papers?—[*The Paper was handed to the Witness.*]—I see it so stated in that paper.

289. Are you aware in the same paper, at page 9, it is stated that a soldier of the 57th regiment, named Jesse Geer, being as nearly as possible of the size and stature of the deceased Sudds, had these chains put on in the presence of the Council, and that they were as stated in the preceding question, ample to allow him to stand upright and lay down in any posture?—I see it so stated by this paper.

290. How long did Sudds wear the irons?—I saw him only as far as the barrack gate.

291. Are you aware what the printed paper of evidence taken before the Executive Council states as to the period of his confinement; was it 28 hours, or more?—There is a discrepancy in that evidence, if it is minutely examined.

292. How great is the discrepancy?—As to some hours.

293. What do you mean by some hours?—I am now speaking from recollection; but if I recollect right, it will be found the medical attendant differs in his evidence as to the time the chains were taken off Sudds, from the person who had charge of him in the gaol; there is a difference in their evidence as to the time.

294. Is that difference material? what is it according to the best of your recollection?—It certainly is so far material, from the bad state of the man's health at the time, it made it of importance that a moment should not be lost in taking them off.

295. Was there a material difference in the length of the time?—Some hours, as far as my recollection goes. I have a printed document among my own papers

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which would enable me to refresh my memory, if the Committee would allow me to refer to it.

296. You may refer to the paper to refresh your memory?—I have referred to it, and as far as I can see, the discrepancy is between Toole, the turnkey (620 of the Parliamentary papers), and Thompson, the medical attendant, as well as Mr. M'Intyre, the surgeon; it is stated by Mr. John Thompson, the medical attendant, "that he was brought to the hospital, and placed in bed; Mr. M'Intyre saw him immediately, and ordered his irons to be taken off; Mr. Toole, to whom these orders were given, replied, that the irons had been put on by the direction of Government, and he could not remove them. Mr. M'Intyre observed, the irons are too heavy to be worn here, and they must be taken off while he is in the hospital, at any rate." About four o'clock in the afternoon, some time after Mr. M'Intyre went away, the irons were taken off.

297. What does the discrepancy amount to?—I cannot say without examining the papers.

298. Are you aware of Mr. M'Intyre having made a report on the case of Joseph Sudds, late a prisoner in the Sydney gaol?—Personally, I do not.

299. Have you seen any paper containing that report?—Yes, the Parliamentary Report.

300. Is that a report you have read?—Yes.

301. Read it?—"Enclosure, Number 4, of Paper 620, the 20th of July 1832. Report on the case of Joseph Sudds, late a prisoner in the Sydney gaol: The above-named prisoner applied on the 11th of November for medical assistance, and was in consequence received into the gaol hospital, where he remained under treatment until the 16th, when he was discharged, apparently well. On the 24th of the same month, he again reported himself sick, and was forthwith admitted a second time into the gaol hospital. On admission, the irons in which he was confined were removed immediately, and medicines administered. He refused sustenance of every kind except a little tea, and in talking to him of his disgrace, he declared he never would work in irons, and wished himself out of the world. Finding him in a state of delirium on the 26th instant, he was removed to the general hospital, where he gradually became worse, and expired the following morning. After a minute dissection of the body, no apparent disease was found to exist to account for his immediate death. The only deviation that could be perceived was a premature enlargement of the liver, although that organ in all other respects was healthy. Signed, James M'Intyre."

302. Now, Captain Robison, you have stated that the irons weighed, in your opinion, when you put them on at Emu Plains, 30 or 40 lbs. and perhaps upwards?—I have so stated.

303. Are you aware that witnesses have stated, and have confirmed their statement on oath, that the weight of those irons was not more than 13 lbs. 12 oz. or 14 lbs.?—I have read in the Parliamentary paper that witnesses have described certain irons that they said were those that were on Sudds and Thompson, to weigh not more than 13 or 14 lbs.

304. Now those witnesses to whom you allude had opportunities of ascertaining what the weight of those irons were, had they not?—I suppose they had.

305. Now, at page 19, of the Paper 586, Mr. Matthew John Gibbons, storekeeper to the engineer in the Lumber-yard at Sydney, is examined before the Executive Council, and he states that he speaks within compass when he says their weight may have been about 14 or 15 lbs. in his estimation, he being the storekeeper of the Lumber-yard, where they were made, which examination of his is afterwards confirmed on his oath: are you aware of that?—I am aware that such a statement appears in the Parliamentary papers.

306. Now are you aware that a person of the name of Benjamin Constable, an overseer of the blacksmiths, in the Lumber-yard of Sydney, was examined at the same period before the Executive Council, and that he deposes that he saw the two sets of irons made in the blacksmith's shop in the Lumber-yard, for Sudds and for Thompson, and that to the best of his recollection that was between the 13th and 18th of November, and that no particular weight was directed of which they were to be made; to the best of his knowledge, they were directed to be easy, so as not to distress those for whom they were intended: are you aware of such statement?—I am aware that such appears in the Parliamentary paper.

307. He is also asked, "what is their weight?" and he says, "they were calculated

lated to weigh about 15lbs., but some part of the iron was taken away, which made them weigh lighter?"—That also appears.

308. Mr. Thomas Iceley, justice of the peace, is also examined, and confirms his examination on oath, and states, "that in my opinion, having taken particular notice of the irons from their novelty, that the impression on my mind at the time was, that the collar and connecting chain were intended more for effect than actual punishment, and this opinion was confirmed by the conduct of the men who danced to the tune of the Rogue's March, which was then playing as they moved along, and held their caps in the air, as if to show their indifference to the degradation to which they had been subjected." Are you aware whether that deposition or that statement of Mr. Iceley's was made before the Executive Council?—In answering this question, I should beg to say, although that appears as has been read, that I have positive reason to know that those individuals were selected by General Darling himself to give that testimony; that there were others present on the spot who were not examined, who would have given very different testimony.

309. Are you aware that this statement made by Mr. Iceley was afterwards confirmed before a magistrate on the oath of the parties?—It states so in the Parliamentary papers.

310. Now at page 20, there is an examination of Mr. James Kinghorne, superintendent of the agricultural establishment at Emu Plains, with whom you were at the Government-house at the time you put the irons on. In that examination of his it is stated, that the irons were brought to him after they had been taken off Thompson, and kept in the Government-house in which he resided?—That appears also in the printed papers.

311. Then he is asked the question, "Did they remain in your keeping?" and his answer is, "I dare say they may have been in my keeping for 12 months, perhaps longer." Then another question is put to him, "'Are either of the two sets of irons now produced the same as those which were in your possession?" his answer is, "Yes, these I know from several marks, I can swear to them, I believe them to be so, and they were given to me as such:" are you aware whether that statement is in the Parliamentary papers?—It is in the Parliamentary papers.

312. Now all these witnesses deposed to the fact that in their belief the irons produced before the Executive Council were the same as those which were put on Thompson and Sudds, and they gave their opinion that the weight of those irons was not more than from 13, 14 to 15 lbs.; did they not?—Yes, they did; but in giving that opinion, I should represent it should be received with extreme caution, because they were not cross-examined, nor was I present at the time that those witnesses were examined. If an individual is examined here and only leading questions put to him, it could not be satisfactory. It must appear clear at once if I bring and adduce a witness to support a given fact, that I could put leading questions to him and leave the material part out; it would be necessary there should be a cross-examination, and the other party should be present, and I, with all respect, state the evidence in this case is not the common every day evidence, you would have to elicit the truth, that there was no cross-examination of those witnesses, and that those leading questions being put to them, it must appear manifest the answers they gave would chime in with the views of the individuals who adduced them.

313. These individuals are the individuals who either superintended the making the chains, or themselves assisted in making them, or had them in their possession; or who knew them to be the identical chains which had been on the persons of Sudds and Thompson, owing to the marks which they deposed were on the chains when they saw them before the Executive Council; one individual states, he knew them from the mark of a chisel, and another, he knew them to be the same from a nail in one of the basils. Now under all these circumstances, these individuals having sworn to the truth of their depositions, and your opinion of the weight of these irons being an opinion taken after dinner, at candlelight, and only having had once an opportunity of putting those irons on, excepting one occasion, after an interval of two years, when you again put certain irons on before the Executive Council, you are asked, whether you do not think it possible that you may be mistaken in the estimate which you have formed of these irons being 30 or 40 lbs. weight, instead of being 13 or 14lbs. weight?—I have invariably stated, from the first to the last, that it was guess-work; I never weighed the irons, and I am willing to go further, and state, as far as the elucidation of truth is the object of this Committee, that it makes a very material difference, if a person has never put a weight of that description

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tion on his body before, and whether he might not, from the circumstance of not being accustomed to it, have over-rated it.

314. Are you aware that George Plumley has stated, according to his belief, he considered them to weigh from 9 to 10 lbs., and that this question was put to him: "Did you ever ascertain their weight?"—"I did not; I consider them to weight from 9 to 10 lbs." Are you aware it is so stated in the papers?—It is in the Parliamentary papers.

315. Are you aware, in the same paper, it appears, one gentleman on lifting them up (Lieut. Christie) gave his opinion they must weigh 60 lbs.?—I was present, and heard that.

316. Was Lieut. Christie in the colony in 1829, at the time this examination before the Executive Council took place?—No, he had been allowed to proceed to England by General Darling the year preceding.

317. Is he in this country now?—No; he has gone to join his regiment in the East Indies; he has been lately ordered out.

318. It is stated that these irons, which Kinghorne identified as being the same before the Council, which Thompson had on him at Emu Plains, that they were weighed before the Executive Council in May 1829, in the presence of the members of that Council, and that they were then found not to exceed 14 lbs. weight; you are aware that is stated in the Parliamentary papers?—I am.

319. Without numbering them, seven or eight persons who were examined before the Executive Council (and who, with the exception of Mr. Moore and yourself, swore to the accuracy and truth of their statements,) stated that the irons, in their opinion, did not exceed 13 or 14 lbs.; now do you not consider that you may have been mistaken in asserting that those irons weighed 30 or 40 lbs., and do you after all this mass of evidence still consider the irons you had on at Emu Plains weighed 30 or 40 lbs. or upwards?—The question divides itself into two branches; the first is with reference to the evidence given by those gentlemen; the next is what I myself may think: with reference to the first branch of the question, I should say, that those witnesses being called by the individual himself, whose province it was to exonerate himself from the charge then against him, and no cross-examination from the party, Mr. Wentworth, who had given the charge against him, he not being allowed to be present, I should say such evidence should be received very cautiously. With regard to the other part of the question, as to that evidence being so strong as against my private opinion, I can only repeat what I said before, that it is a matter of guess-work, which it was originally, and from the first to the last I have said, I do not mean to tie myself down by stating as a positive fact that which I only guess at.

320. Here are seven or eight individuals who have sworn to the truth of their depositions, as to the weight and identity of these irons; you have merely your guess as to the weight of those irons; if you were called upon to swear, as they were called upon, would you swear you believed those irons weighed 30 or 40 lbs.?—I most assuredly would have sworn to the facts I stated at the time had I been called on to swear to them.

321. Do you mean now to assert distinctly and positively, that the chains which were produced to you before the Executive Council were not the chains that were produced to you at Emu Plains; are you prepared to pledge yourself that the chains produced to you before the Executive Council were not the same chains that were produced before you at Emu Plains?—Most decidedly they were not, with reference to the weight below; they were, as far as the top part goes.

322. Will you venture now positively to assert that they were not the same chains?—Yes, the lower part of them, decidedly; the impression on my mind is the same as it was then.

323. Will you positively assert that they were not the same chains; are you prepared to state positively and decidedly that they were not the same chains?—I am placed in this dilemma again; I stated before, the upper chains were precisely, apparently to me, the same, but that there had been a difference in the weight below.

324. In the basils?—In the basils, and in the rods of iron that connect the two basils.

325. As the alteration you perceived in the irons before the Executive Council was in the basils, and in the lower part of the irons, did not Kinghorne positively and precisely swear that he knew the identity of those irons before the Executive Council,

Council, because there was a nail in one of the basils that enabled him to identify it?—Such is stated in the Parliamentary paper. Capt. *R. Robison.*

326. Therefore Mr. Kinghorne's statement, confirmed on oath, as to the identity of the irons, on account of the basil, is that precise part of the iron you allege, in your opinion, to have been changed?—The basil is one thing; I stated generally the lower part; but in my statement of what I state appeared to me to be new, I include the basils and the connecting rods. 21 August 1835.

327. Do you include the circular part that goes round the legs?—That is what I call the basils.

328. You, recollecting you examined these chains for once in your life, at Emu Plains, after dinner and by candlelight, and that these are the opinions of persons who confirm their statement on oath, the Committee beg to ask you whether you are prepared, after an interval of two years, and considering the circumstances under which you once casually saw these chains, to set up your opinion and recollection of what you then saw, against the sworn depositions of these individuals?—If the question is put to me in the way that I understand it, I most assuredly would not swear, and I should be exceedingly cautious in doing so, of what I merely guess at; I would not take on myself to state, as a fact, that which I do not know; if I had seen them weighed I could swear to the fact.

329. You stated that, when you put on these irons at Emu Plains, Mr. Kinghorne and Mr. Christie were present?—Yes, and others.

330. Upon putting them on, you have since formed an estimate of what the weight was?—Yes, I stated then.

331. Did your statement of the supposition of weight produce any discussion between you and Mr. Kinghorne, on the subject of the weight?—It did.

332. Did Mr. Kinghorne, at that time, dissent from the opinion you had expressed, with regard to the weight?—As soon as I had the irons on me, several observations were made, as to their appearance and effect, while I had them on. I then addressed myself to Lieutenant Christie: "Now," said I, "you have seen me in them, let me see how you look in them;" and he put them on. After he got them on, Mr. Kinghorne put the question to him, or one of the by-standers, "What do you think their weight?" "Oh," said he, "they must be 60 lbs.

333. Did Mr. Kinghorne then state what his own impression of the weight was?—Yes; as soon as they were taken off, one of the Kinghornes, I cannot say which, made the remark, "Oh," says he, "60 lbs.! why, man, I can lift them up with one arm; you could not lift up 60 lbs.;" and he attempted to raise them with one arm, holding out his arm in that way—[*describing.*]

334. Are you aware Mr. Kinghorne afterwards deposed, to his impression, the weight was from 12 to 14 lbs.?—I see it in the Parliamentary paper.

335. Was he able to hold them straight out?—The impression on my mind is, that he attempted to do so, but he could not hold them for any time; it was merely to show they could not be 60 lbs., by his holding them up.

336. Was he able to hold them straight out, with his arm extended?—To the best of my recollection, not; he raised them, certainly, but not to hold them out for any time.

337. Did he not positively state that Mr. Christie and you had formed a very erroneous opinion as to the weight of the irons?—He did, as to Lieutenant Christie. I was asked what my impression was when I had them on me; I said I thought they were 30 or 40 lbs. weight; Christie was asked, and he said he thought 60 lbs.

338. Did Mr. Kinghorne immediately state it could not be?—Yes, Kinghorne immediately contradicted that.

339. Did he not himself state what he thought was the weight?—No, not to my recollection. He did not fall back and say, "he had weighed them, and they only weighed so and so."

340. Did Christie or you make any observation on his raising them?—Christie did. It was a very strong expression of indignation.

341. That is not the question. Did he make any remark to Kinghorne as to the weight Kinghorne might possibly lift. Kinghorne has sworn that Christie stated "it was all habit?"—I think there was some such observation.

342. You have stated in answer to two or three questions, so and so appears in the Parliamentary document?—Yes.

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343. Was not Mr. Kinghorne afterwards sworn to the truth of what he stated?—It is so stated there that he was sworn.

344. Does it appear from the papers he was sworn?—Yes.

345. Were you also sworn to the statement?—I was not.

346. Was it proposed to you to be sworn?—I think not, because I objected to the mode of procedure altogether. They would only put certain questions to me, and allowed me only to answer as much as they pleased.

347. You did answer some questions?—I did; to the best of my recollection I was not asked to be sworn.

348. You did not decline to be sworn?—No.

349. Did you not, which you will admit is tantamount to being sworn, sign your examination before the Council when it was sent to you to ascertain whether it was correct?—Not before I protested against it. Before I put my signature I entered in writing my protest, and that protest does not appear on the Parliamentary paper.

350. Was that protest appended?—It is said I did protest.

351. In your own paper, signed by yourself, of the statement that was made by you before the Executive Council, did you make use of this expression in answer to the question—"What is your idea of the difference of the weight of the chains you tried on at Emu Plains and those you now see?—Those I saw at Emu Plains I thought or guessed to be about 30 or 40 lbs., but they might have been less; but my impression at the time I tried them on was that it was more. It was candle-light when I tried them on, and as I now see those presented to me by daylight, it is possible I might have been wrong in guessing their exact weight. I consider the weight of those now exhibited to me at a hazard 18 or 20 lbs." That is the statement you made?—Yes.

352. What is an overseer of an iron gang?—It means a man that is put over convicts (a convict generally), to see the convicts work.

353. You have given your opinion by guess of the weight of the irons which you formed on a casual trial?—Yes, I have.

354. And you have heard that George Plumley, overseer of No. 1 iron gang, considered them by guess also to weigh from 9 to 10 lbs. Do you not think that the overseer of an iron gang, who is in the constant habit of seeing and handling irons, would be more likely to affix a more accurate weight to the chains in question than you could?—If it was an indifferent question between him and another overseer or a convict, then I should say that he would; but when he was summoned by the Governor, and a witness for him, I should say my impression would be very different as to that evidence.

355. Are you aware of there having been any alteration in the collar previous to its having been put on Sudds?—Not personally. I have no personal knowledge of that fact. I have heard so.

356. Did you see any marks in the collar of the chains which you saw, of any alteration having been made in any part?—I did not remark that.

357. Neither in the collar of the chains that you saw in Emu Plains, nor in the collar which you observed afterwards at the Government-house?—To the best of my recollection I did remark in those that I saw in Emu Plains a mark of there having been one of the spikes cut off. I am only speaking from recollection.

358. Your attention was not particularly called to that?—No.

359. Nor in the examination of the chains that you afterwards saw at the Government-house?—It was not.

360. It is stated in the evidence of Kinghorne that he recognised a mark of a nail in the basil; did you observe that?—No, it was not pointed out to me on my examination before the Council. I know nothing of that as a fact.

361. How near were you to Sudds on the day in question?—About three or four yards off.

362. Had you ever seen those irons before they were put on Sudds?—No.

363. Did you ever see them after they were put on Sudds before you saw them at Emu Plains?—No.

364. Was the slight glance you saw of them when they were put on Sudds sufficient to satisfy you they were the same which were produced to you at Emu Plains?—It was not a slight glance I had, for I was three quarters of an hour or half an hour looking at the operation.

365. Whatever opportunity you had of observing them, are you satisfied from your own observation that the irons which were produced to you at Emu Plains were the

the same irons that were put on Sudds on the parade?—I have no reason to doubt that they were the same that had been taken off Thompson at Lapstone Hill, where he worked.

366. You stated, at Emu Plains you saw certain irons after dinner by candlelight, that they were rusty, that you tried them on, and the estimated weight was between 30 and 40 lbs.?—Yes.

367. You said afterwards you saw certain irons produced before the Executive Council at Sydney, that those irons were not rusty, that the impression on your mind was that the lower part was lighter, but you at the same time said, that considering that you saw one by candlelight and one by daylight, that your impression might be erroneous, that they were not the same?—I stated that, seeing them by daylight and seeing them by candlelight, and the rust having been on them when I saw them at Emu Plains, and perfectly clean and new when I saw them at the Executive Council, that I might have been mistaken, but that the impression on my mind was that the others were heavier.

368. You admit you might have been mistaken as to the diversity of the two sets of irons?—Unquestionably I admit that.

369. You are not prepared now, supposing you were in a court of justice, to swear positively that the irons which you saw before the Executive Council at Sydney were not the same irons that you saw at Emu Plains?—I am not prepared to swear, because the irons that I saw at Emu Plains appeared to be heavier than those I saw at the Executive Council; if I were asked were they the same, I could not swear that they were.

370. Could you swear whether they were the same, or whether they were different?—I have already answered that question by stating their appearance.

371. Would you be prepared in a court of justice to swear those irons were not the same, and to swear you could not by possibility be under mistake in saying they were different?—I would not.

372. Certain irons have been produced in this Committee, and you have said you never saw those irons until the day before yesterday?—I never saw them until I came to this house.

373. Do you know the weight of those irons?—I do not.

374. You have never been told what the weight is?—I have heard them talking outside what their weight was.

375. You do not know?—I never saw them weighed, and do not know what their weight is.

376. Did you give orders for making them?—None.

377. Will you venture to assert that those irons are not heavier than those which you saw at Emu Plains?—It would be necessary for me to overhaul them and to feel them.—[*The Witness examined the irons.*]—No, I will not.

378. Was Mr. George Stephens ever in Sydney?—Not to my knowledge.

379. Did you not say those chains were ordered by Mr. George Stephens?—I heard Mr. Maurice O'Connell and Mr. George Stephens say "we have got a facsimile of these chains, and I went and looked at them.

380. Was the expression a facsimile?—I think so, or a model, or something to that effect.

381. Were there many bystanders present at the time when you saw these chains on Sudds and Thompson on the parade? There was the whole parade of the different troops that I mentioned, the head quarters of two regiments, part of a third regiment, the head quarters of the Buffs, the head quarters of the 57th, part of the 39th regiment, and those parts of the veteran companies I commanded.

382. Were there any spectators not military?— Being in the ranks, and being in a barrack square, I should suppose not.

383. Are you aware it was stated in evidence before the Executive Council, that Sudds and Thompson danced in these chains, so little was their weight?—I know nothing of that, but what I read in the Parliamentary papers.

384. Did you witness any thing of the sort?—No; I saw no levity of manner as far as my observation went, but it only went as far as the barrack gate.

385. Did not Colonel Shadforth, the commanding officer of the 57th regiment, state, and confirm it on oath, that Thompson said in his hearing, "Damn fine trowsers these;" are you aware that is stated at page 25?—I see it is so stated in the Parliamentary Report.

386. Does not Major Shadforth also state, "that Sudds, who heard this, turned

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round and laughed ;" are you aware that is stated in the Parliamentary paper?—Yes, it is so stated.

387. Are you also aware in the same evidence, the same officer stated " Sudds appeared to him to be in a sickly state?"—Yes, I am aware of that; and I heard Colonel Shadforth state that fact personally afterwards.

388. Are you also aware Colonel Shadforth stated, in the same evidence, " that there was no medical officer of the garrison present during the ceremony that he was aware of?"—It is so stated in the Parliamentary paper.

389. When those chains were put on you at Emu Plains, did you find the collar inconveniently tight?—Yes, decidedly.

390. Are you aware of the fact, that it is stated in the Parliamentary paper as follows, that Colonel Shadworth said, " I did not observe any levity of manner in either of them, after the irons were put on; previously I did. When the convict clothing was laid down before them (which it was intended they should wear after being stripped of their military clothing) Thompson, taking up a part of the dress, exclaimed, ' Damn'd handsome trowsers these,' or words to that effect. Sudds, who heard this, turned round and laughed ? "—It is so stated.

391. Are you aware that Colonel Shadforth says, in that same evidence, when he is asked, " How near were you to Sudds at the time?" he says, " To the best of my recollection from 25 to 30 yards?"—It is so stated in the Parliamentary paper.

392. How close were you to Sudds at that time?—The square was formed, the officers commanding the regiment and the companies were in the centre, in the front of their men; this operation took place in the centre of the square. I must have been within the distance of a few yards.

393. Was the collar so tight as to prevent you from introducing your hand, or any substance between it and your throat?—Without inconvenience, I could not have done it. It was not like a stock in this way—[*describing.*]

394. Was the collar fastened round in any way?—Merely temporary.

395. Was it tied on?—It was made fast on me while I had it on.

396. When you tried the irons on before the Executive Council, did you experience the same or an equal pressure from the collar?—I forget, and I cannot, to the best of my recollection, answer that.

397. Your opinion is, the upper part of the irons was the same you had seen at Emu Plains?—That is so.

398. Did you try the collar on with a neckcloth or without it in Emu Plains?—I rather think I took my stock off; I will not be certain.

399. When you tried on the collar in the presence of the Executive Council, was your stock on or off?—That I really forget also. I rather think I must have taken my stock off.

400. Are you aware, being a stouter man than Sudds, and being a taller man than Sudds, that the collar, which would be rather oppressive to you, would not be oppressive to a person less athletic and shorter than yourself?—The answer to that is, that Sudds was tremendously swollen at the time; his body was all swollen; he was not his natural size as a healthy man; his face, his legs and body were swollen at the time.

401. Was his neck swollen?—It appeared to me his whole body was in that state.

402. He was a shorter man than you?—Yes, he was.

403. Now, in consequence of Sudds being a shorter man than yourself, and being less athletic, and therefore his throat being smaller, is it not true those chains, which would be oppressive to you to wear round the throat and to be attached to the feet, would not be at all oppressive to Sudds?—I speak now from what I saw. I saw those chains put on Sudds; and from the state Sudds was in at the time, it appeared to me he had a difficulty of breathing when the chains were put on him. If the question is put with regard to myself as to putting them on, and what the difference may be with a smaller man, I should say decidedly there might be a difference in a tall man's wearing them and a small man's wearing them.

404. Yesterday you stated, that when you put on the chains at Emu Plains your uniform was rusted, in consequence of the state of the irons, by which it is inferred you put the irons on over your military uniform?—I said a blue undress coat.

405. Consequently that uniform must be taken into consideration as to the size of the collar?—Supposing this was a blue regimental coat, I put it on in this way [*describing*].

406. Did

406. Did you put it outside the collar of your coat?—I put the collar on inside the collar of my coat.

407. Are you aware that, in Thompson's examination, he states, "Sudds' collar was too small for his neck, and the basils for his legs, which were swollen?"—I am aware that he stated that, and I saw that myself when the punishment took place.

408. Are you aware he also states, "the basils of Sudds' irons cut his legs during the time they were coming from the barracks to the gaol; it was owing to the sharpness of the basil and the weight of it that we were cut. Sudds' irons, I think, were a little larger in the chains than mine, though he was about three inches shorter than me?"—It is so stated in the evidence.

409. Are you aware, also, that he further states, "Sudds did not complain of the irons being too short for him, but he complained that the collar was too tight for his neck and the basil too tight for his legs; I do not know that his neck was swollen beyond its ordinary size; he was naturally a thick-necked man, but I do not know his ancles were swollen after his return to the gaol?"—Yes, I know that was stated.

410. Are you aware that Thompson also says there, "that Sudds stated, that they had put him in them irons until they had killed him?"—It is so stated in the papers.

411. When you examined these chains at Emu Plains, do you recollect any body else being present beside Captain Christie, and whether any remark was made by others?—To the best of my recollection, when I tried on the irons at Emu Plains, there was the elder Kinghorne, who had charge of the establishment; there was a younger brother; there was another gentleman, whose name I should recollect if I heard it; it was a French name; I think there were five present at the time.

412–3. Are any of those gentlemen in England?—Not that I am aware of; Captain Christie has since been promoted; he was until a late period in England.

414. Were there any other remarks made beside those which the witness has mentioned with respect to the weight of these irons?—There were very strong remarks made by Lieutenant Christie.

415. With respect to the weight of the irons?—With respect to the weight of the irons altogether.

416. Are you aware of a letter of Captain Christie's, addressed to Sir George Murray, the Secretary of State of the Colonies, dated September 6th, 1829, in which he states the following: "I beg leave most respectfully to state, in consequence of a communication received this day from New South Wales, informing me that a Mr. Wentworth, of that colony, had written a letter of impeachment against his Excellency General Darling, accusing him of tyranny and murder in the case of Privates Sudds and Thompson, of the 57th regiment, and had referred you to me, stating my remarks in the presence of Captain Robison, of the Veterans, when he was trying on the irons at Emu Plains, were of such a nature, and my observations so severe on the tyranny and cruelty of General Darling, that he could not trust himself to commit them to paper. I feel it my duty to lose no time in taking the liberty of addressing you on the subject, and beg most distinctly to be understood, that I deny ever making use of such observations, or of words that could bear a similar construction. The statement made by Mr. Wentworth being false, malicious and unfounded?"—I am aware that such a paper exists, and I am also aware, in the same paper, that the same Kinghorne has sworn Lieutenant Christie said they weighed 60 lbs.

417. Are there any one of those parties in England who were present at the examination in Emu Plains in this country?—Not that I am aware of.

418. You are aware Captain Christie, in that letter, contradicted that statement you made in your letter dated Sydney, the 3d of January 1829?—In the letter that has been read, he contradicted Mr. Wentworth rather.

419. What was it that Captain Christie did say on that occasion?—To the best of my recollection, what I was going to state before, is the strong expressions he made use of when he had the irons on; I had the irons on me first; when Captain Christie put them on, and had them on him, he was asked the question as to their weight, and his reply to that was, "he thought they were 60 lbs." "Well, now," says I, "see if you can lay in such positions;" repeating the questions he had asked me when I was laying down in them; I said, "see if you can turn" (he was taller and thinner than me); he said, "he could not." He began turning round the spikes; when he got up, moving his arms in this sort of way [*describing*], he said, or words to this effect, "the individual who could frame or order such an instrument of torture to be applied to any human being must be a brute," or words

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to that effect, or something of that sort, or "a monster for torturing a human being in that sort of way." He said, "he would not believe it;" and appealed to me: 'Do you mean to say you saw those irons so and so?" "Well!" said he, "of all the brutes!"—putting up his hands in this way.

420. Are you aware, in page 60, of number 586, there appears printed a letter of Captain Christie's, in which he denies having made use of certain statements referred to by Mr. Wentworth?—I am aware of that.

421. Are you aware, in page 51, of 620, there appears to be printed a statement by you, of a certain conversation held with Captain Christie, in which you allege he made certain statements?—Yes.

422. Do you still abide by the statement you there appear to have made?—Certainly.

423. Do you know Captain Christie?—He was with me when the Bathurst district was done away with; he was under my command in the Wellington Valley.

424. How do you reconcile the contradiction made by Captain Christie, with the statement which you yourself have made of the conversation?—One man says one thing, and another another; I cannot reconcile it; it would have been very satisfactory to me if he had been brought forward, and I brought forward, and the other parties who heard the conversation. If all the other gentlemen who were present when this conversation took place had stated he did not say so, it would be manifest I was wrong.

425. Do you not think it probable you may have attributed to him an expression that dropped from somebody else?—I do not think I could, because of the peculiar expression he made use of, and of the severity of the remarks, and the horror he expressed at the time.

426. That is the statement which Captain Christie, in his letters, characterises "as false, malicious and untrue?"—Yes, it is.

427. Did the severity of his remarks strike you as peculiar at the time?—Unquestionably; they were reiterated only stronger than my own, and his expression to me was, "You do not mean to say now, Robison, that you saw that yourself?"

428. Captain Christie was never examined before that council, or before any tribunal, with regard to these expressions?—Not to my knowledge.

429. When did he leave the colony?—He took the command of the invalids I was to have taken, which was about the latter end of the same year; I think so. I had the command of the invalids to go home; General Darling gave me charge of the invalids to go home; he countermanded the order, and gave Christie the command of the invalids.

430. Was that shortly after the time you were at the Emu Plains?—Yes.

431. How long afterwards?—It was June 1827 I was at Emu Plains, and the same month General Darling gave me leave to go home with the charge of the invalids; it must have been a month or six weeks afterwards.

432. Was Captain Christie in that country when you gave the evidence at page 56, as to Captain Christie's remark at Emu Plains?—No, he was not.

433. In your letter, you refer to Captain Christie in England, for his evidence?—Yes.

434. Is this the passage of your letter: "We had but one opinion as to the torture they must have produced; indeed I dare not trust to paper the remarks that Mr. Christie made on the occasion, but that officer was soon after allowed to return to Europe in command of the invalids, and can easily be referred to in England. He has lately been promoted." Is this the passage?—Yes.

435. And then, on the reference to Captain Christie, it was this letter, dated Tilbury Fort, 1829, was written?—Yes.

436. You have stated just now, that Mr. Kinghorne attempted to hold out the chains with his outstretched arm; was that so?—Yes, he took them up for that purpose, when Mr. Christie said they were 60 lbs. "Oh," said the younger Kinghorne, "they cannot be 60 lbs., for I could not lift 60 lbs. with one hand."

437. And that you have a perfect recollection of?—Yes.

438. You are quite confident that that passed?—I am quite confident, yes.

439. You have a perfect recollection of it?—I have a perfect recollection, on Christie's making this remark, that Kinghorne made use of the words to that effect, they cannot be 60 lbs.; the impression on my mind is, he could not hold them long, but he did hold them out.

440. Are you aware, in your examination in New South Wales, before the Executive

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Executive Council, on the 8th of May 1829, you were asked this question, "Do you recollect whether any person, who was present on the occasion when you tried on the chains at Emu Plains, held the whole in his hand with a stretched-out arm?" and your answering, "I have not the slightest recollection, and I think it morally impossible that he could have held the whole of them out with one arm;" do you recollect that?—I recollect having the question put to me; before the question was answered by me, I stated, two years had elapsed from the time I tried those irons on, and I begged the Executive Council would make allowance for any thing that did not immediately come to my recollection. I subsequently read the Parliamentary papers, where this account was given of Kinghorne holding them out, and it refreshed my memory about the circumstance; but my impression is, he did not hold them out any time; he took them up; the impression on my mind is, that he attempted to take them up, and he held them for a moment, but his hand fell down.

441. What description of man was he?—He was a stout man; this refreshes my memory again; this brings to my mind an observation being used, "that it was a knack; some men could raise a greater weight than others; that a weak man could raise a heavy weight, by accustoming himself to it; that it was a knack."

442. You stated that it was morally impossible to hold out the weight of 60 lbs. in the stretched-out hand of Mr. Kinghorne; if you stated that in 1829, and subsequently, on your memory being refreshed, are of opinion that such words did pass; is it not possible that you may be mistaken in the accuracy of your statement, that these irons did weigh 40 lbs.?—I have never stated that (and I appeal to the Committee) as a positive fact, all the way through.

443. The following persons, in the paper, number 586, swear to the identity of the irons: Captain Dumaresq; the engineer, Mr. Thorp; the assistant engineer, Mr. Gibbons; the storekeeper, Mr. Constable; the overseer, George Plumley, in the same yard, and James Kinghorne, the superintendent; these six persons all swear to the identity of the irons, and against their oaths there is only the guess you can give, that they are not the identical irons, having only once seen them; do you not conceive that the error is most likely to be on your side, rather than theirs?—Yes, I should say so.

444. Is it in your recollection in the Parliamentary paper, in page 17, there is an examination of William Dumaresq, esq.?—Yes.

445. Who was William Dumaresq?—He was the brother-in-law of General Darling.

446. What situation did he hold in the colony; he states he was civil engineer in the colony in November 1826; is that consistent with your recollection?—He held a variety of situations, but he was at that period captain of the Staff Corps in 1826.

447. On full pay?—Yes.

448. In page 17, this question appears to have been put, "Were the two sets of chains now exhibited to you made under your orders?—A. I have no doubt that they are actually the same, as I ordered chains of a similar description to be made." The next question and answer is, "From whom did you receive orders to make those chains?—I do not immediately recollect from whom I received those orders, but I have no doubt they emanated from the Governor. Q. Was any particular size or weight directed?—A. I do not recollect that any particular directions were given, further than to add the neck collar, and to connect it with the usual leg iron by small chains; when the chains were made, one of the sets was sent up to Government-house, to be shown; when they had on the neck collar, two spikes in addition to the present projections, and those spikes were removed from both sets by order of the Governor. Q. For what purpose were those chains made?—A. They were made expressly to be put on Sudds and Thompson. Q. What was their weight?—A. At the time they were made, I did not weigh them, but I subsequently ascertained that the set exhibited in the Colonial Secretary's office weighed 13lbs. 12 oz.; the two sets of chains were ordered to be made exactly alike, but I two days ago ascertained that the set worn by Thompson at Emu Plains exceeded somewhat the other in weight. Q. Were any other chains of a similar size and appearance made at any other period by order of Government?—A. No, never." Do you find that which has just been read at page 17 of the Parliamentary paper?—Yes.

449. Is that stated to be sworn to by Captain Dumaresq?—Yes, it is.

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450. Then, according to that evidence, the chains were made by order of the Governor, and examined by the Governor, and the alterations ordered before they were put on the men Sudds and Thompson?—Clearly so.

451. When a remark was made about the chains being of 60 lbs. weight, did you at that time make any observation as to the impossibility of a man holding them up if they were so heavy?—I did not.

452. When you were before the Executive Council, what weight did you believe the chains to be of which you are speaking?—I was asked by the Executive Council what my opinion was, and I stated I thought between 30 and 40 lbs.

453. Did you then state you believed it to be morally impossible a person could hold up chains of 30 or 40 lbs. weight?—I did, but I qualified it with reference to the nature and make of the chains; it was a very different thing from a man taking up a 60 lbs. weight, and taking up 60 lbs. of iron and chains hanging down such as that.

454. Was not the nature and weight of the chains before the Executive Council of precisely the same description as those which had been held up by a gentleman in your presence at Emu Plains?—Yes.

455. How came you to be struck with the moral impossibility of holding up chains of 30 or 40 lbs.?—Sixty pounds.

456. It was stated 30 or 40 lbs. before the Executive Council, was it not?—No; there must be some mistake.

457. Before the Executive Council in 1829 you were asked, "Do you recollect whether any person who was present on the occasion when you tried on the chains at Emu Plains held the whole in his hand with a stretched-out arm?—A. I have not the slightest recollection, and I think it morally impossible that he could have held the whole of them out with one arm." What weight of chains were you then speaking of before the Executive Council?—Why the ones at Emu Plains; they were asking me with reference to the chains at Emu Plains.

458. Did you not yourself suppose those chains to be 30 or 40 lbs.?—Yes, 30 or 40 lbs.

459. Then before the Executive Council, what weight did you intend to convey you thought it impossible to be held up with one hand?—I had understood it had reference to Lieutenant Christie's answer about the 60 lbs., and I said with reference to those chains, and the make of them, if they were 60 lbs., I thought it would be impossible for a man to hold them out.

460. Is there any reference in the examination to that declaration of Mr. Christie's?—Yes, it is sworn to by Mr. Kinghorne that Captain Christie did say they weighed 60 lbs.

461. The question is, whether in your examination before the Executive Council, there is any reference whatever to Captain Christie having said those chains were 60 lbs. weight?—I do not know; I do not recollect that there is.

462. If there is no reference to it, how could you answer such reference to it?—Because they were asking me if I recollected a certain circumstance at the time; I had entirely forgotten there was an individual present at first; I recollected afterwards there was another person, this foreigner.

463. Is Bovey the name?—Yes.

464. Was there any allusion to Lieutenant Christie's declaration at that time?—I was asked the question about holding out the chains, whether a man could hold them out; my impression was he could not with one hand, with reference to the make of the chains; if I were to take these in a lump, I would hold them up; but if they were held up straggling, there is a great difference.

465. Do you now state you intended to speak of the chains of 60 lbs. weight?—I was asked, did I recollect making an observation of holding them out by one arm.

466. Did you then speak of the chains of 60 lbs. weight?—To the best of my recollection I did.

467. Were you speaking of the chains you tried on at Emu Plains?—Yes.

468. What was the weight of those chains?—Between 30 and 40 lbs.

469. You stated before the Council it was morally impossible to hold out certain chains. What weight were the chains which you intended to convey an answer to the Council it was impossible to hold out with one hand?—Decidedly those at Emu Plains.

470. What weight?—Between 30 and 40 lbs.

471. When

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471. When you say some person mentioned that they were 60 lbs. at Emu Plains, how happened it you did not state your belief it was morally impossible to hold out a chain 60 lbs. weight?—I think I said so. A question has been put, whether there was any observation made to me about holding out the chains, and I have said I think there was; now the question is put, whether it was the chains of 60 lbs. weight or the chains at Emu Plains; my reference was to the chains at Emu Plains.

472. And what weight were those?—Between 30 and 40 lbs.

473. When it was stated, in your presence at Emu Plains, that the chains in the opinion of Mr. Christie were 60 lbs. weight, how happened it you did not express your notion it was impossible for a man to hold out 60 lbs. weight?—Because the other man did it, Kinghorne took them up and said so.

474. Did you then believe, on that day before the Executive Council, that a man could not have held out 30 or 40 lbs?—Yes, the chains I had on at Emu Plains.

475. When you speak of chains, do you speak of the basils as part of the chains, or do you speak of them in two terms?—I speak of the chains as a whole.

476. You would speak of them generally?—I speak of every bit of iron there is there.

477. If you will refer to the Parliamentary papers, 586, to page 17, you will find Dr. Bowman, inspector of hospitals, was examined on the 4th of May 1829, before the Council, and that he is asked this question—"Are you aware of any communication being made to his Excellency the Governor, or the Colonial Secretary of the state of Sudds' health previous to his death?" and the answer is, "I am not." Are you aware of that question having been put?—It appears there.

478. The next question is—"If such a communication had been made by any medical officer of your department, would you not have known it?" The answer is, "I think I should, because all official communications are made through me as head of the department when I am at Sydney." Another question is—"What did you understand to be the proximate cause of Sudds' death?" The answer is, "Having suffered from a dropsical disease previously, and for some days before his removal to the hospital having, as I before stated, refused all sustenance, I attribute his death to inanition." Another question put is—"Have you seen the irons which were put on Sudds?" The answer is, "Yes, I have seen them."—"In your opinion, would the wearing those irons for twenty-eight hours severely injure the health of a man otherwise free from disease?" He says, "I should think not indeed." These questions are put to the inspector of hospitals, and to which he swears before Francis Rossey, the principal superintendent of police. The Committee ask you, whether you are aware those questions and answers appear in the Parliamentary papers?—Yes, and Dr. Bowman was made inspector of hospitals between the first examination by the Executive Council in 1826 and the other in 1829. He was in 1826 merely surgeon, and then he got a step of promotion and was made inspector of hospitals.

479. Do you mean to intimate that that promotion had any effect on his evidence?—I do. A categorical question is put to me, and I am taken at a moment. I wished very anxiously to ascertain, when the question was put to me, whether he was designated in the Parliamentary paper as inspector of hospitals or merely principal surgeon. I think in one of the Parliamentary papers he is called the principal surgeon. He was promoted, and I have no hesitation in saying, as the question has been put to me, "Do I think that his promotion had any thing to do with favouring him with General Darling?" I certainly do.

480. Do you mean to say the promotion was given to him in expectation that at a future time something might arise, he having been promoted before this last inquiry into the case of Sudds and Thompson, that he, General Darling, had a foresight of what was likely to occur, and that he therefore promoted Dr. Bowman in order to obtain corruptly the benefit of his evidence?—I beg to state in the answer I give to this, I can only answer as to dry facts. I am asked an opinion—I may be erroneous in my opinion, and it may go forth to the world that it is a very erroneous and very improper opinion. I should throw myself on the Committee whether they would take down merely an opinion from me that may be a very erroneous one after all.

481. The witness will recollect he volunteered to insinuate in the first instance the promotion of Dr. Bowman had been given by General Darling as a friend of his, and for the purpose of assisting General Darling in a forthcoming inquiry, of

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which at that time General Darling could have no knowledge: is that the witness's opinion?—Yes; but I do not mean to say General Darling had no knowledge. I think he must have looked forward to an inquiry taking place into this very case.

482. Do you mean to state Dr. Bowman was a gentleman of such principles that his evidence might be purchased by the promotion which General Darling gave him?—That is putting it in a way I should not adopt: my meaning I will explain. I am very properly asked, "why I should suppose an absent officer capable of such conduct?" I have more than one reason. I know Dr. Bowman was a man exceedingly favoured by the Governor; had numerous grants of lands, and he had many advantages given him by General Darling; and I also know, between the first and second examination regarding Sudds and Thompson, that he was promoted from being a surgeon to being an inspector of hospitals, which is the highest grade in the colony; and therefore, without going the length of stating I believe Dr. Bowman would commit perjury, my impression is, from the advantages he received from General Darling, that I think it had a great effect in favouring General Darling in his evidence.

483. Are you aware the situation of inspector of hospitals is one of the highest in the medical department in the army?—Yes.

484. From your professional knowledge of the military departments, you are asked whether it was possible for General Darling to promote a surgeon from that rank to be an inspector of hospitals, and whether you are not aware that that step in a time of profound peace, with a very large half-pay list, is not always referred to the inspector-general at home, and is not one of the most difficult steps of rank to be obtained; and do you therefore conceive that that promotion, which you attribute to General Darling, could have been given by General Darling in the colony?—The question proceeds upon a mistake. Dr. Bowman was a civil surgeon attached to the civil service of the colony. General Darling, by his own act, appointed him as governor of that colony, without any reference whatever to the head of the medical department in this country, subject only to the approval of the Secretary of State for the Colonies, which, as a matter of course, would be assented to. He had not to go through the ordeal he would have had, if he had been a military medical officer.

485. Was Dr. Bowman, who is treated here as inspector of hospitals, a military inspector of hospitals, and had he his commission from home as an inspector of hospitals?—He was a half-pay naval surgeon.

486. Is he to your knowledge now an inspector of hospitals being in a military department, or an inspector of hospitals in a civil department?—He is an inspector of the colonial hospitals in a civil department.

487. Still your opinion of Dr. Bowman is, that for the purposes of a forthcoming examination into the case of Sudds, that he was by General Darling, for a corrupt purpose, promoted to be an inspector of hospitals?—I will not pretend to go that length. I cannot say so. My impression is, from the advantages he derived from General Darling, that he most unquestionably had a favourable bearing towards him; that is the extent of what I meant, and have said all along.

488. Do you mean to assert that Dr. Bowman is a person who is not deserving of credit on his oath or his honour?—Most assuredly I do not.

489. Do you know that Dr. Bowman was examined before the Executive Council in 1826?—Yes.

490. And are you aware, in the Parliamentary paper, 620, of 1832, page 44, towards the top of the page, there is this entry: "Dr. Bowman, principal surgeon, was then called in, and desired to state any circumstances within his knowledge respecting the illness and death of Joseph Sudds. He stated as follows: 'I saw Sudds in the gaol, and was informed by Mr. M'Intyre that he had been treated for a slight affection of the dropsy (anasarca), that he did not see him again until he was removed to the general hospital on the evening of the 26th of November;'" are you aware that appears in the paper?—Yes.

491. Does it appear by that paper he was at that time principal surgeon?—Yes.

492. Are you aware that in the paper 586, of 1830, page 17, Dr. Bowman is called in, and examined, and in his examination he is stated to be "inspector of hospitals?"—Yes.

493. The four first questions and answers are with regard to Sudds, and are as follows:—"On what day did you first know of the indisposition of Joseph Sudds?—About a fortnight or three weeks previously to his death, I visited the gaol with Mr. M'Intyre,

Mr. M'Intyre, the assistant surgeon, who had the charge of the gaol, and found that Sudds had been treated for dropsy, but was that day discharged from the sick list, his disease having subsided. How often did you see Sudds in gaol?—I never saw him in gaol but upon the above occasion. By whose order was he removed to the General Hospital; state the cause, and when his removal took place?—He was sent to the General Hospital on Sunday evening, I think the 26th of November 1826, about five o'clock, upon Mr. M'Intyre's application to the sheriff to have him removed in consequence of his severe illness. Did you see him in the hospital, and what, in your opinion, was the nature of his complaint?—I saw him when he was received into the General Hospital, and again on the following morning. He was in a state of delirium, and unconscious of any thing that was said to him. I understood from Mr. M'Intyre that Sudds had refused every sort of sustenance for several days, and in the state of exhaustion so occasioned delirium was produced. In fact, he had determined to die." Are you aware that is the evidence of Dr. Bowman in 1829, before the Executive Council?—Yes.

494. Now, do you mean to say, with regard to that matter, that Dr. Bowman would be influenced by gratitude towards the persons promoting him, or do you mean to cast any general imputation on Dr. Bowman's character?—I mean to cast no general imputation on his character further than I have stated that he would have a feeling of gratitude. I will instance another in the same sort of way, which is Dr. Mitchell.

495. Would that feeling of gratitude pervert his evidence on a question of fact in your opinion?—If I am asked the question of what occurs in New South Wales, and what did occur in New South Wales, and what occurs in this country, it is quite different.

496. It appears that Dr. Bowman, in 1826, was the principal surgeon of the colony, does it not?—Yes.

497. Was the inspector of hospitals a civil appointment?—Yes, they were both.

498. Can you tell the Committee how long, or nearly how long, Mr. Bowman was principal surgeon of the colony; had he been for many years?—I think not; in Governor M'Q——'s time he was not.

499. He was principal surgeon of the colony, a civil appointment?—Yes.

500. He afterwards became inspector of hospitals, also a civil appointment?—Yes.

501. Is there any thing very extraordinary when the inspectorship of hospitals being vacant, or unnatural, or does it appear on the face of it corrupt, the appointing of the principal surgeon of the colony to the inspectorship of hospitals?—If the inspectorship of hospitals had been an appointment previously, I should say there would be nothing in it; but General Darling having made the appointment a special one for Dr. Bowman, it makes a difference.

502. Did he make the place for Dr. Bowman?—Yes, he created the place, or made it.

503. You may state that it was a new place, but how can you state it was created for Dr. Bowman; have you any other reason than the mere fact of his being appointed?—I do not know there can be a stronger assumption than arises from the fact itself.

504. Was there any such place before?—No.

505. Do you mean to assert the place was unnecessarily created in order, as a matter of favouritism, to appoint Dr. Bowman to that place?—I most assuredly do.

506. What reason have you for supposing it?—The first reason is, that there was no precedent for it; and the second reason is, that it enabled General Darling to give him a considerable addition, if not altogether new pay and new allowances, and to bring him up in rank with inspectors in the army, to make him of the highest rank of his grade; supposing any other military man was to come there, being inspector of hospitals, he would take precedence of him.

507. Did you not state that appointment was sanctioned by the Colonial Secretary of the day?—I stated, in reference to the question put to me, that it did not go through the regular course of military appointment; that it emanated from the Governor, and there was nobody but the Colonial Office to confirm it.

508. But in fact, it was confirmed by the Colonial Secretary?—No doubt of it.

509. And that appointment continues up to the present day, under that confirmation?—To the best of my belief it does.

 510. Then,

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510. Then, do you mean to impugn the conduct of the Colonial Secretary, in sanctioning the creation of an unnecessary place?—I mean to do no such thing.

511. Do you conceive that the place was unnecessary or necessary?—I conceive it was unnecessary; but the reason I conceive it so was, from my being on the spot; a Secretary of State must take his information from those people who are deputed to tell him.

512. Do you know whether the office has continued to this day?—I have reason to believe it has.

513. Are you aware that General Darling made a specific report to the Colonial Office, on the subject of the defect of the administration of hospitals?—I have no knowledge, personally, of what General Darling's report was.

514. Are you aware it was published, as to the hospitals?—I believe it was.

515. You wish it to be understood, that the reason on which you found your opinion, that the place was created for Dr. Bowman, was the simple fact that it had not before existed, and that it was unnecessary?—I give that as a matter of opinion.

516. Is that the ground of your opinion?—Yes.

517. Do you recollect nearly about the time that Dr. Bowman was appointed to the inspectorship of the hospital, or that this office was created?—At this moment I do not know the exact time.

518. Is the inspectorship of hospitals a civil appointment?—Dr. Bowman's inspectorship of hospitals is.

519. And has it reference to the medical arrangement of gaols?—The whole, and of the whole of the civil medical department.

Sabbati, 22° die Augusti, 1835.

JAMES OSWALD, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, called in; and further Examined, as follows.

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520. DO you wish to put in a paper as an answer to the question which was asked you yesterday?—I brought it down for the information of the Committee.

[*The Witness delivered in the same, which was read, as follows:*]

GOVERNMENT ORDER.

"No. 32. Colonial Secretary Office, Sydney, 6 Nov. 1828.

"His Excellency the Governor has been pleased to appoint James Bowman, Esq., Principal Surgeon, to be Inspector of Colonial Hospitals, until the pleasure of the Right Honourable the Secretary of State for the Colonies shall be known.

"By command of his Excellency the Governor.

(signed) "*Alexander M^c^Leay,*

"Colonial Secretary."

521. This James Bowman is the gentleman whom we have known as senior surgeon of the colony?—Yes.

522. Do you happen to know what his salary and emoluments were as senior surgeon?—To the best of my recollection they were a guinea or a pound a day, but I am not speaking positively; I am speaking from what I think I saw in the Colonial estimates, as far as my recollection goes, but that can be very easily seen.

523. With all the various perquisites, what have you reason to believe was the value of that appointment?—It was considered in that colony as a good appointment, because it placed him at the head of a department there, and he had very excellent quarters; for instance, the quarters that were allowed to him as principal surgeon, I should say were worth 150 *l.* a year at least, that he could not procure the same quarters in the town, if he had to hire a house, under 150 *l.* a year.

524. Were there not various other fees and perquisites?—No, I am not aware that there were various other fees and perquisites; he had certain allowances made to him when he went to inspect up the country, and he had other deputies under

under him, or surgeons and assistants, so that it was not a laborious duty by any means; but he was at the head of a department.

525. What was the value of the appointment?—A guinea a day, or 1 *l.* a day the net pay, and there were some allowances.

526. Are not in almost all those appointments various advantages attached to them as important as the net salary?—In some of them there were, but an alteration has taken place; for instance, the salary of provost-marshal in the colony was nominally 91 *l.* 5 *s.* a year, but the same individual who held that office told me that it was as good as between 400 *l.* and 500 *l.* a year.

527. In point of fact, have you not generally understood that Dr. Bowman's appointment was worth 600 *l.* or 700 *l.* a year?—I do not know that; I can go only as far as I know; the net pay was 365 *l.* or 400 *l.* a year, and I should say the perquisites were 150 *l.* or 200 *l.* a year.

528. Do you happen to know, or have you heard, what was the salary of this new appointment of inspector-general of hospitals?—In the notification the salary was not annexed, but I know that it was a subject of comment at the time amongst the various people of the colony, and commented upon in the press, as it would have been in this country, and it was said that it was a capital good appointment, giving Dr. Bowman a step in rank and an increase of salary.

529. Was that a military appointment or a colonial?—A colonial appointment.

530. In point of fact, if this office, the office of inspector of hospitals, was to be created a civil office, would you say that the senior civil surgeon of the colony, if properly qualified, might be looked upon as fairly entitled to that appointment?—As a matter of opinion, I can only state, that having served a good many years in the service, and seeing appointments, such as staff-surgeon, generally given to old staff officers, and seeing also in New South Wales old staff officers that had served in the Peninsula, I looked upon them as having a prior claim.

531. You have stated that the appointment of senior surgeon is a civil appointment, and that that of inspector of hospitals is also a civil appointment?—I have.

532. Could this appointment be considered a great stretch of favouritism or a natural appointment. The question is not whether any other person may be more or less qualified as a medical man, but whether it can be considered reasonable that the senior surgeon of hospitals should be appointed the inspector-general of hospitals?—There were at the same time several military surgeons on half-pay holding civil appointments in that department; and if the question is, was Dr. Bowman a proper person, I should say certainly he was; and if I were in Dr. Bowman's situation, I should have tried to get the same thing.

533. Was he not at the head of the civil medical department at that time in the colony?—Yes.

534. From this being a civil appointment, and from the situation that Dr. Bowman held as a civil medical man in that colony, do you not consider that he was the person to whom the appointment should be given?—I should say so.

535. Did the appointment of Dr. Bowman at the particular moment create any sensation in the colony?—Yes, certainly.

536. You said it was an appointment which would naturally be expected by Dr. Bowman; do you mean cæteris paribus?—Yes.

537. Was there any peculiar circumstance at the moment which made the appointment of Dr. Bowman seem extraordinary?—There was.

538. Will you state that circumstance?—Here I would beg respectfully to ask the opinion of the Committee whether it would not be a very invidious situation in which to place myself; I would rather have held my tongue upon this question altogether; but I will throw myself upon the Committee, whether it would be kind, or anything like good feeling in me to drag up the history of by-gone times in reference to Dr. Bowman? I should wish it to be understood that I throw myself upon the Committee whether I shall state the facts.

The Witness was directed to withdraw.

The Witness was again called in.

539. What was the fact which you say caused a sensation in the colony at the appointment of Dr. Bowman at that moment?—There was about that period an individual there whose wife, Dr. Bowman was accused of having seduced, and about that time it was mentioned in the papers that a crim. con. action was about to be brought against him; this crim. con. action was, at that period,

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brought against him, and notwithstanding the first people of the colony that he had as his lawyers and so on, damages were awarded against him for the seduction of this man's wife.

540. Was the action pending at the moment the appointment was made out to Dr. Bowman?—To the best of my recollection, it was.

541. In general, was it supposed that General Darling was strict as to the morality of those whom he appointed to various offices?—Exceedingly so; I could, if it was necessary, give an instance to the Committee.

542. Could you give more than one instance of his having acted from that feeling?—Yes.

543. Several?—Yes, I think so.

544. Did he act universally so in every case except that of Dr. Bowman?—Decidedly not.

545. Were there any or many appointments of persons lax in their morals to situations?—Very much so; many.

546. Are you aware of the amount of salary attached to the situation of principal surgeon?—I have stated before that, to the best of my recollection, what I saw in the colonial estimates was 1 *l.* a day, 365 *l.* a year.

547. Are you aware of the salary attached to the appointment of inspector of hospitals?—I think, to the best of my recollection, it was notified in the colonial estimates as 800 *l.* a year.

548. You stated that the perquisites of the former office, that is, of the principal surgeon, made it amount to 600 or 700 *l.* a year?—Five or six hundred pounds a year; I explained what those were.

549. Were there any perquisites belonging to the inspector-general of hospitals?—I should say so.

550. Can you say what they were, or have you any information upon the subject?—I am speaking from the colonial estimates.

551. Have you any correct information as to the perquisites belonging to that office?—No more correct information than I have about the other office; the correctness of the information is the same in both cases.

552. Were the perquisites attached to the office of inspector of hospitals equal to those of the other office?—As a matter of belief, I should say no, that they were not so much.

553. Will you inform the Committee whether on the whole the change of situation of Dr. Bowman did produce a very material increase of income?—I should say it did, and of rank as well; it must have done. From the best of my recollection, the original income was 365 *l.*, and the estimates that I saw after his appointment as inspector of hospitals were put down at 800 *l.* a year, to the best of my recollection; but a reference to the estimates will at once show it.

554. Was the appointment of Dr. Bowman to the office of inspector of hospitals, pending a suit against him in a crim. con. case, or was it after the sentence and the damages had been given against Dr. Bowman?—I am speaking only from recollection, and as near as I recollect, it was about that period, about that month; but those are things that can be found on reference to the documents in the Colonial Office.

555. Was the appointment of inspector of hospitals made by General Darling, previous to the suit being instituted against Dr. Bowman, or was the appointment made after the damages had been given?—To the best of my recollection, it was before the public in the newspapers at the very time that Dr. Bowman was appointed.

556. Do the Committee understand that it was pending the suit, and whilst the public mind was kept in suspense as to the nature of Dr. Bowman's conduct?—That is the impression on my mind, but it is a length of time past.

557. Then in your opinion the examination of the Australian newspapers of that period, at which the appointment of Dr. Bowman as inspector of hospitals took place, will ascertain that point?—On reference to the newspapers, certainly.

558. Dr. Bowman having been examined and sworn to the truth of his deposition in 1827, that General Darling knew nothing of the illness of Sudds, when the irons were put upon him, and that he did not know of his illness till after he was dead, when the death was reported to him; do the Committee understand you to say that the evidence of Dr. Bowman in that particular was influenced by the appointment which he received?—I do not by any means think or wish to insinuate that Dr. Bowman

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Bowman would perjure himself, or make a false oath, with a view of screening General Darling, with the expectation of any advantages from General Darling afterwards.

559. You have stated your opinion that Dr. Bowman had a leaning towards General Darling, in the evidence that he gave in 1829, in consequence of the promotion that he received as inspector of hospitals; the Committee would refer you to what passed in 1826, in which it is stated that no report was made by Dr. Bowman, the principal surgeon, or his assistant, of the illness of Sudds to the government, and that the government had no reason to know before his death that Sudds was unwell; does not the report of 1826 corroborate and confirm the answer which you have just given?—Yes.

560. As you have stated that Dr. Bowman made no report to the government in 1826 of Sudds's death, and as the appointment of inspector of hospitals did not take place till 1828, then the appointment having taken place in 1828, Dr. Bowman's evidence in 1826 could not be affected by that appointment?—Certainly not.

561. You have stated, that in your opinion Dr. Bowman's appointment was made for the purpose of favouritism, in consequence of General Darling's apprehensions of what was forthcoming against him in the case of Sudds and Thompson, when you insinuated yesterday that Lieutenant Christie had been sent home in charge of the invalids, and that that created astonishment in the garrison of Sydney; on what do you found your belief that such an appointment was calculated to create astonishment in the garrison of Sydney?—At the period of Lieutenant Christie's appointment to take charge of the invalids, I myself had been previously appointed, and it had been notified officially to me that General Darling had given me leave to proceed to England in charge of those same invalids, which would have given me, by custom of the service, a free passage; it was considered very extraordinary, Lieutenant Christie's regiment of Buffs being at that time under orders at Sydney for embarkation to the East Indies, that he should have been selected to take charge of those invalids, when his regiment was ordered to proceed on to India, and particularly so with reference to the circumstance of him and myself having shortly, previously to that period, tried on the irons of Sudds and Thompson at Emu Plains.

562. Have you made or published any statement alluding to the case of Lieut. Christie having come home in charge of the invalids?—Yes, no doubt I have; this is a statement which I printed myself for the information of my friends.

563. Have you stated this: "Reverting to my return to this country, after making preparations for my voyage, and selling off my camp equipage, &c. at a great loss, my leave to England was suddenly and most arbitrarily cancelled, and, to the astonishment of the whole colony, the command of the invalids was given to Lieutenant Christie of the Buffs, whose regiment at the time was embarking for India, but who it will be recollected was the officer in company with me when we tried on at Emu Plains the irons and chains which it was alleged had caused the death of the soldier Sudds of the 57th regiment." It will be seen on reference to the Parliamentary Paper, No. 586, the 1st of July 1830, that this officer on his return to England voluntarily addressed a letter, which is already in evidence, to the Secretary of State, Sir George Murray; then you go on further and state, at pages 23 and 24 of your report, "The reader, I doubt not, will now be enabled to guess for himself why General Darling broke his official pledge to me in cancelling my leave, and why, above all other officers anxious to return to Europe, Lieutenant Christie should have been the officer selected to take charge of the invalids, although having procured a sick certificate he was entitled to a free passage, and why also General Darling deemed it expedient to detain me in New South Wales for two years under arrest, after my company had been ordered to be disbanded by the King." These are words used by you in your printed statement, are they not?—They are.

564. You are aware that in your printed statement you have stated that Lieutenant Christie had, under a sick certificate, permission to have a free passage to England, which would have given him all the advantages without commanding the invalids, and therefore the Committee ask you, what advantage there was in appointing Lieutenant Christie to conduct the invalids to England, when he had, under a sick certificate, permission to go to England with a free passage?—General Darling, I have no doubt, would state that the object of giving Lieutenant Christie the command of the invalids, after he got a sick certificate, would be to save the extra expense to government of my passage home.

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565. But having obtained the sick certificate, and 120*l.* in round numbers being saved to the public by appointing Lieutenant Christie to this command, how is it that you attach to General Darling the insinuation of having made this appointment from interested motives, when in reality he was imposing upon Lieutenant Christie the irksome and unpleasant duty of taking charge of the invalids, when he, Lieutenant Christie, had already a free passage to England under his sick certificate?—I can only reply that General Darling had only to pay one passage in one case, if Lieutenant Christie had gone home, and if I had gone home in charge of the invalids, government would have had to pay Lieutenant Christie's passage.

566. How is it that in the printed statement made by you on this appointment of Lieutenant Christie, you insinuate against General Darling that that appointment was made from improper motives?—From the obvious fact that Lieutenant Christie had recently come with me from Emu Plains, where the soldiers' irons were deposited, and from having tried them on and the personal inspection we both made of them, I had reason to believe, and it was stated so in Sydney, that the colonial secretary, who was a particular friend of General Darling, was made acquainted with the facts by Lieutenant Christie of myself and him having tried on those irons, and also, I have no doubt, of the strong expression of feeling that I had given utterance to when I had these irons on me.

567. Do you attribute to Lieutenant Christie having, when he arrived in Sydney, made a report which came to the Governor's ears of your having tried on those irons, and of your having made use of strong expressions, in consequence of which report favour was shown to Lieutenant Christie?—On no other motives can I account for General Darling taking from me the command of the invalids, and cancelling my leave which he had given to me, unless it was upon that fact having come out by the report that Lieutenant Christie mentioned, my having taken the irons.

568. The Committee must again refer you to the fact, that Lieutenant Christie had the same permission of going home to England free of expense under his sick certificate, without the disagreeable duty; therefore with reference to the printed statement you have made, that improper motives actuated General Darling in giving that command, have you any other grounds than those which you have given, for the insinuation that you have conveyed in that statement against General Darling?—I have no other ground for supposing the reason for which Lieutenant Christie got the command of the invalids, than the positive fact of his having come down with me, as I mentioned before, and having recently had on those irons, and mentioned to the government that I had them on at Emu Plains, and the strong feeling that I had expressed, and coupling that fact with his having written to the Secretary of State on his arrival in England, opposed to his statements in my presence at Emu.

569. Then if the Committee understand your last answer, the information which you attribute to Lieutenant Christie as having given to General Darling is on your part a matter of suspicion, and not of fact?—A mere matter of opinion.

570. Is it a matter of suspicion or of fact?—I cannot prove the fact; it is a mere surmise on my part.

571. Did Lieutenant Christie derive any advantage from going home in charge of the invalids, from that which he would have derived had he gone home under a sick certificate?—An officer going home in charge of invalids is entitled to the best accommodation in point of cabins in the ship; he is also accommodated with the advantage of a servant during that voyage; and as many instances of piracy had occurred about that period, from New South Wales to England, it was an advantage having invalids or soldiers to a certain extent to defend the ship in case of need; that was something of an advantage. If he had gone home on a sick certificate, and merely had his passage paid, he would have gone as a common passenger, and would have taken the run of the ship and whatever accommodation the ship afforded; whereas, in the other instance, he would have been entitled to select the best accommodation in the ship, which is a great advantage on a long voyage.

572. Are you not aware that an officer on sick leave, being of superior rank to an officer in charge of the invalids, would have priority of claim to the cabins, and being a commissioned officer in the army and troops being on board, that he would, whether in command or not, have been entitled to a soldier as servant during the passage?—I have known it not the case; I myself have come home during

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during the Peninsular War; I have been sent from Lisbon in charge of invalids, and a senior officer and more than one has been on board, but as officer having charge of the invalids I was given the best cabin, though there was a superior officer in rank; but I have known it otherwise. Then with reference to the other part of the question, if Lieutenant Christie had chosen to take his passage on board that ship, of course he would have had the advantage of a soldier; but if he had gone in another ship where there were no soldiers, he would have to pay for the extra attendance of a servant.

573. But if there were troops on board, he would have been entitled to the attendance of a soldier as servant?—He would, if he had gone in that ship.

574. Therefore the advantage to Lieutenant Christie in going home in charge of the invalids rather than with a sick certificate, is his being entitled to the selection of the best berth?—Yes, and to what I mentioned in my former answer.

575. At that particular period when you say that leave for your going home to England was cancelled, were you not under an arrest?—Decidedly not.

576. At what period was this that Lieutenant Christie embarked for England?—I got leave to proceed to England in June 1827, and at the same period the other captain of the veteran companies also got leave; and it was notified to me by the acting major of brigade, that I had leave to go home and have the charge of the invalids; I was not in arrest at that time, and had no misunderstanding.

577. Was not the order to disband the veterans received in the end of 1828?—Yes.

578. Then your court-martial having taken place in July 1828, the inference that might be drawn is, that the transaction alluded to between you and Lieutenant Christie was after the court-martial?—No, long before the court-martial; my trying on with Lieutenant Christie the irons at Emu Plains took place in June 1827; in the same month, on my arrival at head-quarters at Sydney, General Darling informed me that he had written home about disbanding the veterans, and then it was that I said, in consequence of his having recommended them to be disbanded, I hoped that he would not allow me to waste my time, but allow me to go home, which he did.

579. When was that?—In June 1827.

580. How long after the examination of the irons?—It was in June 1827 I was in the Emu Plains, and it was 40 miles from Emu to Sydney. On my arrival at Sydney from Emu Plains, I was sent for by government home, and went to report my arrival, when General Darling informed me that he, finding the veteran companies did not answer the purpose, being old men and so on, had recommended to the government that they should be returned to the out-pension list, and get their grants of my land, and become settlers; in consequence of this, I said to General Darling, that any further remaining in that colony would be a great waste of time, would His Excellency allow me the same indulgence as he had given the other captain, of going home, contemplating the reduction of the companies.

581. You have stated in the pamphlet that General Darling's conduct to you originated from vindictive motives, because you had at Emu Plains merely given utterance to a feeling of disapprobation, which the very sight of such implements made it impossible to repress; does the only ground of attributing those vindictive feelings on the part of General Darling towards you rest upon your suspicion that Lieutenant Christie informed General Darling of what had passed at Emu Plains?—That was only one of the reasons for which I considered that I had brought on the hostility of General Darling.

582. But that particular passage alludes to the information given by Lieutenant Christie to General Darling?—If you take the isolated passage; but there are many other besides that; that was one of them.

583. That is as regards Lieutenant Christie and General Darling?—As far as Christie is interested, that is all, but there were other reasons.

584. Have you ever had any reason to believe that Lieutenant Christie, being an officer in the army and a man of honour, by reputation at least, holding His Majesty's commission, would betray to the Governor words spoken by you after dinner, and made to the Governor's disadvantage?—I should not conceive that Lieutenant Christie in stating my opinion upon the severity of the punishment with reference to the chains on Sudds and Thompson, would betray any confidence in the expression of that opinion; there was no secret in it.

585. Have you not already stated in Paper, No. 620, page 61, that you dare not

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trust on paper the remarks that Mr. Christie made on the occasion of having put on those irons at Emu Plains?—I certainly have; but my reason for not committing them to paper must be very obvious to any individual who reads the context of this letter, that I might subject myself, in giving utterance to other persons' sentiments, to libel; I might be stating libellous matter as the sentiments of another man.

586. Then your reason for not detailing strong expressions made by a lieutenant in the army against the conduct of his general officer, is the fear that you might be attacked for a libel?—That is one of the reasons.

587. What is the other reason?—It is obvious that if I had expressed every word that Lieutenant Christie had said, it was bad enough between me and General Darling as it was, but it might have been worse in my aggravating the thing by my stating the expressions of an officer, when he was not present. I thought I did best not to give the words that he had used.

588. From your having served in the army, are you not aware that to repeat strong expressions made by a young officer after dinner, reproachful to the conduct of his general officer, would be, in any man, to disclose that to the general officer, a breach of confidence between man and man?—In this case I conceive not, because it was a mere opinion upon a most unusual punishment; it was not as if there had been any act of secrecy that required one brother officer and another to have any casual expression of feeling concealed between man and man, but here were a number of people congregated, and whose expressions were said openly. If it had been between myself and him alone, it would have been different; but these expressions were given vent to before four or five different persons.

589. Have you not said that though Sudds was in a sickly state, you did not, being in the mess of the Buffs' regiment, point out the fact to Lieutenant-colonel Stewart, conceiving that it was no business of yours, and that you did not wish to interfere in such a case?—I said more than that; that as there were other senior officers upon that parade, commanding both the foot and the 57th regiment, it was no part of my duty to take upon myself to point out the irregularity or the improper conduct of the Governor.

590. Are you not aware that at the time that that punishment was imposed upon Sudds and Thompson, so far from that having the effect of public disappointment which you expressed, the Australian newspaper (opposed to the government in general) upon that occasion thought the punishment a proper one?—The Australian newspaper, like all other newspapers and all other people, then commented upon it, under the impression of certain facts only; but the whole case had not come out in the Australian at that period.

591. What had passed at the parade had come out?—I doubt that; if the Australian newspaper is referred to, it would not be found from that that the man was in such ill health; he was not commenting upon the iron and the spikes, he was commenting upon the isolated fact of a soldier's misconduct, and a certain punishment being taken upon him to prevent the recurrence of it.

592. So that *recenti facto* there was no reference to Sudds being in this ill state of health at the time?—I do not say that; I refer to the papers.

593. In the Parliamentary Paper, No. 586, of the 1st of July 1830, the following extract is given, dated the 25th of November 1826. The punishment took place on the parade on the 22d of November. The Australian newspaper on the 25th of November had the following passage: "The avowal which these men made at the time of trial, rendered it requisite both that extraordinary ceremonies should be observed in discarding them from the regiment, and that somewhat of unusual severity in their sentence should be ordered. They plainly acknowledged that they were desirous of getting rid of the army: in forming this wish, and in taking the steps which they did adopt to obtain their release, they must have calculated upon comparative ease; they must have considered the condition of a prisoner, and have fallen into a belief that he was better off than a soldier. This opinion, strange as it may seem, must have been conceived by those men in delusion, and no better means of dissipating that delusion could have been adopted than their being ordered to be worked in an iron gang. Should any other soldier have fallen in love with the life of a prisoner, this example will teach him his mistake before he goes past redemption, like those two soldiers. We have heard of unfortunate beings in England committing a crime in order to partake of the sweets of that elysium which many are taught exists in Botany Bay, but we should never have expected to find so much of mistake to exist in the breast of a soldier, and a soldier living on the

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spot. For the honour of the British army we hope to see the bad example of the two deluded men followed in not a single instance. The two soldiers put on a look of indifference; they will soon discover that they have made a change for the worse." That passage is dated the third day after the occurrence which in your opinion caused so much disgust at the time that it took place; do you believe that to be a true extract from the Australian newspaper, as given in the Parliamentary Extracts?—I believe that article that has been just read to have been written in perfect ignorance of the nature of the irons, and of the state of Sudds's health at the time, because, in the continuation of the same newspaper, when that paper had the real facts before them, they made a very different comment.

594. When was that?—Subsequently.

595. How long subsequently?—After the death of Sudds.

596. How long after his death?—On various times; and I beg the attention of the Committee to this fact, that although this part of the subject is quoted in the Parliamentary Papers by General Darling, as making out his own case from the Australian newspaper, when the Australian had got the facts of the severity of the punishment and knew the state of Sudds's health, he not only never quoted from that paper the leading articles, but he actually prosecuted the editor of that paper for the comments they made, and had him incarcerated and fined him 100 *l.* for his comments on that punishment.

597. Who is the editor of the Australian newspaper?—They have more than one.

598. At that time?—At that period of 1826 Dr. Warder, a doctor of law; he was practising in the Supreme Court of Sydney.

599. Was that paper so conducted by him a government or an opposition paper?—This requires explanation: at that very crisis Dr. Warder was on terms of comparative visiting with General Darling and his family, and was on good terms with him; but in a very short time afterwards, I may say some days afterwards, after these comments in the leading paragraph, he had a misunderstanding with General Darling, and fought a duel with his brother-in-law, Colonel Numerick.

600. Was it a paper in opposition or a government paper?—I should say that newspaper at that time was friendly to the government.

601. And had been for months previously?—Yes.

602. When did it change?—Almost immediately after.

603. When did the quarrel take place between Dr. Warder and Colonel Numerick?—I think the duel was fought in this same December, upon some comments in the same case of Sudds and Thompson.

604. Are you sure that when you were in the Buffs' mess you spoke to Colonel Stewart, with whom you were then associated, in the same terms of reprobation of this punishment against Sudds and Thompson which you expressed at Emu Plains, and which you subsequently expressed?—I have no doubt that I expressed the same feeling that I expressed at Emu Plains, saying, that it was an improper punishment for any soldier to have applied to him.

605. Did Lieutenant-colonel Stewart, who had superintended this punishment and had witnessed the sick state of Sudds, coincide in this view?—I do not recollect the fact of my having in particular addressed Colonel Stewart; I made the remarks, I have no doubt, as many others might have done to the mess generally, but I do not know that I had any private conversation with Colonel Stewart at that mess.

606. You state, that in your opinion there would have been nothing wrong in you to have reported Lieutenant Christie's observations to you, nor would he have been wrong in reporting your strong observations made use of at Emu Plains to the general officer. If that be your understanding of what is usual in the army, why did you not, shortly after the occurrence on the parade, state your opinions to Colonel Stewart, who had superintended the punishment?—I did not feel that I was called upon to make myself an accusing party in this business against General Darling. I gave utterance to the sentiments which in witnessing the punishment at the moment I felt.

607. Did you think, as having been an officer in the army, that Lieutenant Christie had full liberty to report your strong expressions used after dinner in intercourse with him to a general officer, disapproving of that general officer's conduct, as being cruel and violent?—That is another matter; there was no secrecy in what I said at Emu Plains; but for an officer to say a thing openly and

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without any sort of secrecy about it, and for another officer to hear it said in that way and then afterwards to go and make a separate report of what I had said, I say that that puts a very different complexion upon the case; but I still say that there was nothing that I said at Emu Plains that I meant to be secret.

608. What were the expressions that you used?—General disapprobation at the tortures that were used.

609. What were they, more particularly?—I cannot refer to every syllable, but I gave a general expression of disapprobation, without stating the precise words used some time ago.

610. What was the general purport and tenor of them?—It was strong disapprobation and disgust.

611. You have, on the two persons who have been brought to your recollection, namely, Dr. Bowman and Lieutenant Christie, stated your suspicions of the motives which influenced them with regard to General Darling; the Committee now come to another gentleman whose evidence is in the Parliamentary Paper, 586, Mr. James Mitchell, a surgeon of the general hospital at Sydney, who was examined on the 7th day of May 1829, and the Committee will read to you the following questions and answers: "When did Sudds die?—He died on the forenoon of the 27th November 1826. Did you communicate his death to the Governor or to the colonial secretary, and if so, when?—I did not communicate his death to either, but I made the circumstance known to Dr. Bowman, the inspector of colonial hospitals. Are you aware of any communication having been made to the Governor or to the colonial secretary of the state of Sudds's health previous to his death?—I am not. Did you examine the body of Sudds after death?—I attended at the examination and assisted Mr. M'Intyre in opening the body. What appearance did you observe in the body to indicate the proximate cause of death?—The body appeared in general healthy, and no particular organ was so materially affected as might justly be called the proximate cause of death; the liver seemed to indicate that he had lived freely, but it was more functional derangement than organic disease. Have you been able to form an opinion as to the actual cause of Sudds's death?—From the history given by Mr. M'Intyre, which is partly recited in another answer, I am of opinion that he died from inanition, in conjunction with all the distressing passions connected with his unfortunate situation; Mr. M'Intyre had stated to me that while in gaol Sudds had a dropsical affection and bowel complaint, from which he recovered, and that he was inclined to think that the affection of the bowels was the principal cause of his decease. Did you think it necessary to call a coroner's inquest?—I did not. Why not?—Because it is not customary in such cases. Are you aware of any order or intimation being issued directly or indirectly from the Governor, colonial secretary, or any department of government, not to hold an inquest?—No, I am not. Have you seen the irons which were put on Sudds?—I have not. Will you now examine them and state your opinion whether those irons which were put on Private Sudds, and which he had on for about 28 hours, could have occasioned his death?—I have examined them, and am of opinion that the wearing of the irons now produced for 28 hours was not the cause of Sudds's death. Did you examine Sudds's throat after death?—I did not, I was called away; but I do not believe that the windpipe or bronchia was diseased. In your opinion, would the wearing of those irons for 28 hours seriously injure the health of a man otherwise free from disease?—I do not conceive that the wearing of those irons for the period above specified would seriously injure the health of a man otherwise free from disease." Do you think that in the statement of those opinions, to the truth of which this gentleman has sworn, being a surgeon of the general hospital at Sydney, in which hospital Sudds died, this gentleman was under any improper influence of General Darling?—No more improper influence than must necessarily be exercised over a junior officer, such as Assistant-surgeon Mitchell, by the Governor and Commander of the Forces, vested with such power and patronage as General Darling was.

612. Then you consider that the officers of His Majesty's army, when they swear to the truth of an opinion, are influenced in their oaths by the hope of that description of patronage which a superior officer, under General Darling's circumstances, has to bestow?—I do not; I should be very sorry to libel the British officers of the army by any such conception.

613. Then, adverting to the answer that you gave to the previous question, what have you to state against the integrity and honour of Dr. Mitchell, who has sworn to the truth of his opinions?—I have stated in the answer pretty nearly to a similar question

question yesterday, that Dr. Mitchell, as well as Dr. Bowman, being under great personal obligations to Governor Darling, not only for their promotion in the medical department professionally to which they were attached, but also for the grants of land and other great indulgences which the Governor had the power and did give those individuals, the sense and feeling of gratitude would bind them not by any means to falsify or to stultify their oaths, but not to inculpate General Darling more than was absolutely necessary upon any question that might be put to them.

614. Do you mean to intimate that either Dr. Bowman or Surgeon Mitchell in any part of their evidence have been wilfully guilty of mis-stating matters of fact?—No.

615. Do you mean to intimate that the feelings which you have alluded to might give a colour to their view of the case and their evidence, though you do not think that they would wilfully perjure themselves?—I can only repeat what I said, that common gratitude would bind them down not to inculpate a man more than they could; that is to say, no more than is absolutely necessary; and those gentlemen would be the last and totally incapable of stating anything that was false, but it must be obvious to every individual that hears me that a man may say a great deal or very little.

616. You mean that they were subject to the ordinary influences of their position?—Yes.

617. Do you mean that they have not told the truth?—I mean that the nature of the inquiry was such that the whole truth could not be got at; if it was intended to get at the whole truth, they would have called for the person who had accused General Darling and have examined him.

618. Do not you think that a strong sense of injury or wrong would also be likely to colour the evidence in a contrary direction?—Upon the same principles that common gratitude, as an abstract question, would necessarily bind a man to the individual who had done him an obligation, I conceive, as a general question, that if an individual is very much injured, on the contrary direction, human nature would have a feeling biassed against that individual who had done him the injury.

619. When did Lieutenant Christie sail with the invalided troops from New South Wales; what was the date?—That I cannot recollect, but the returns will show.

620. When was that?—I should say towards the latter end of the year 1827, but I am not positive.

621. What was the length of passage from Sydney to this country?—It averages from four to five months.

622. When was Lieutenant Christie appointed to the command of those troops on their return home?—Immediately that my leave was cancelled.

623. When was that leave cancelled?—About the month of July 1827.

624. In the month of July 1827 your leave of absence was cancelled, and Lieutenant Christie was appointed to the command of the invalid troops, and Lieutenant Christie sailed with the invalid troops at the latter end of 1827, to the best of your recollection and belief?—Yes.

625. What was your strong expression of feeling, as far as you can recollect, the expression that you made use of at Emu Plains; not tying you down to the precise words, but as nearly as possible speaking to the effect of it?—The expression generally was this, that if those soldiers had been taken and tried by a regimental court-martial, they deserved punishment and no doubt would have got it; but that I thought it was a very mistaken thing, and a very cruel thing on the part of General Darling, to order a punishment of such a nature as never was before heard of in the colony or known, much less upon soldiers; and that I thought that he would not have dared to have done this had the transaction occurred in England.

626. Have you not also stated that you believed that General Darling would not have ordered that punishment if he had seen the state of Sudds's health?—In justice to General Darling I have, and I still think so; that is, with reference to the man's state of health, that if General Darling had been eye-witness of the deplorable state of health, and how unable the soldier was to bear that punishment, in justice to him I stated that I did not think he would have suffered the punishment had he then been present.

627. You gave yesterday the expressions of Lieutenant Christie?—As far as I recollected them.

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628. Lieutenant Christie has denied those expressions in his letter?—It appears so by that Parliamentary document.

629. What is Lieutenant Christie's character for general honour and veracity?—I have nothing to say against Lieutenant Christie.

630. What is his general reputation as a man of honour and veracity?—As far as I knew of Lieutenant Christie, whilst he was in the colony, and whilst he was under my command in Bathurst, I never heard the slightest imputation against his honour and veracity.

631. Then his general character for honour and veracity is good?—As far as I know.

632. It appears that Lieutenant Christie returned to Sydney, having received his leave of absence in July 1827, and that, to the best of your recollection, he did not sail till late in 1827?—Late in 1827.

633. You have said before that Lieutenant Christie was placed in your situation in the command of those invalid troops in consequence of the strong expressions that you made use of at Emu Plains?—Yes.

634. And further, in consequence of a letter that he was to write home immediately on his arriving in England, denying those expressions?—I never said anything about a letter that he was to write, but of a letter which he did write on his arrival.

635. You have informed the Committee that Lieutenant Christie was placed in your situation somewhere about July 1827, and that he did not sail till the latter end of that year, to the best of your belief?—Yes.

636. Lieutenant Christie was therefore with you at Sydney during four or five months of the latter end of 1827?—No.

637. Where were you then?—I was ordered to Newcastle.

638. Did you see Lieutenant Christie after he was appointed to the command of the invalids?—I really cannot recollect that.

639. You say that your appointment to go home was cancelled, and that Lieutenant Christie was appointed instead; you (being about to go home, and everything being packed,) were at Sydney, about to embark for England; that your leave was cancelled, and Lieutenant Christie was named in your place; were you therefore at Sydney at the time that Lieutenant Christie was there?—It did not necessarily follow when my leave was cancelled that Lieutenant Christie was immediately put in the command.

640. Did you converse with Lieutenant Christie from June 1827 up to the day of his embarkation?—I dare say I did; I think it is more than probable that I did.

641. You have stated, that from the fact of the appointment of Lieutenant Christie to the invalids, you expect that that was a reward given by General Darling to him because he had reported to the government the conversation that had passed at Emu Plains; did you not, being yourself an officer in the army, and a man of honour, think it right, having suspicions of Lieutenant Christie's conduct, frankly to ask him whether he had betrayed the conversation at Emu Plains, or not?—To the best of my recollection I never, in what I said at Emu Plains, considered that there was any secrecy whatever in it. In Lieutenant Christie having stated to the government, through Mr. M'Leay, or any other channel, what I did state, I had not the slightest objection to, because I had said it not only before Lieutenant Christie, but before several other parties, therefore there was no secrecy in it; and I did not think that I was warranted in picking a quarrel with the lieutenant for his having stated that in which there was no secret.

642. Did not Lieutenant Christie at Emu Plains, or is it not so alleged, that he did use at Emu Plains, equally strong expressions with yourself?—Yes.

643. And you, knowing that Lieutenant Christie had used expressions equally strong with yourself, and you, suspecting that he had represented to the Governor the expressions that you had used, allowed him to supersede you without calling for any explanation from him?—It would have been perfectly farcical for any purpose to have done so, because one of the two things I must have done; if I had anything to say, it was to express disappointment in not getting home as I had expected, and Lieutenant Christie had nothing to do with that; it was not in his power to give me leave to go home.

644. You say that Lieutenant Christie and the invalids sailed in the end of 1827, yet this letter, which you connect with Lieutenant Christie's appointment is not

not written till September 1829?—I remained in New South Wales, and knew nothing of Lieutenant Christie's letter till I saw it in the Parliamentary Papers.

645. But it bears date September 1829?—So it says in the Parliamentary Papers.

646. That letter of Lieutenant Christie is in answer to Mr. Wentworth's papers of impeachment against General Darling?—Yes, it purports to be.

647. When did you commence to suspect that Lieutenant Christie had behaved improperly to you?—I could not know anything about it till I saw this letter after my return to England in the Parliamentary Papers.

648. Therefore, not suspecting him while he was in the colony, you could not have called him to any account?—Certainly not.

649. An extract from the Australian Sydney newspaper of 25th of November was read to you; have you read that paper?—I have read it, but not to-day.

650. And you have read the article in question?—Yes.

651. An extract from it was read to you; does not the article after the extract which was read proceed in this way: "We understand that since their arrival in gaol they have remained encumbered with the massive neck-collar and other unusual chains, which they put on with their new clothing; and further, that they are destined to work in them during the continuance of their sentence. This is carrying severity to an extreme, and in our opinion, it will not be altogether justifiable. The men cannot lay their heads down to rest, and we should imagine they will find it difficult to breathe during this hot weather, while oppressed with the chains"?—Yes.

652. You stated that you entertained your suspicions of Lieutenant Christie, in consequence of the letter that he addressed to Sir George Murray on his arrival in England; the Committee would refer you to the expression of a paragraph in your pamphlet, in which you say that Lieutenant Christie's appointment to the invalids in 1827, excited the astonishment of the whole colony: you being upon the spot, and being the person whose commission was cancelled, how do you reconcile the discrepancy in your evidence, in your stating that the letter of Lieutenant Christie to Sir George Murray first excited your attention, and not the appointment itself?—It is simply this; the letter of Lieutenant Christie, for the first time, denies the expressions that he made use of in my presence; that was the first time that I knew of his denying what he said on Emu Plains.

653. But you state in your pamphlet that the appointment of Lieutenant Christie excited the astonishment of the whole colony, he having been with you at Emu Plains; and you also add, "General Darling broke his official pledge to me in cancelling my leave; and why, above all other officers anxious to return to Europe, Lieutenant Christie should have been the officer selected to take charge of the invalids, although having procured a sick certificate he was entitled to a free passage, and why also General Darling deemed it expedient to detain me in New South Wales for two years under arrest, after my company had been ordered to be disbanded by the King——?"—My meaning was this, that having had those irons on me at Emu Plains in company with Lieutenant Christie, at the period of General Darling giving me leave to proceed to England, he was perfectly ignorant of that fact; as soon as General Darling found that I had had those irons on me, and the strong expressions I made use of (this is a surmise), in my opinion he then found that it was inexpedient and would not do to allow me to come to England with this broad fact staring him in the face; and if you will refer to the Parliamentary impeachment of General Darling, you will there find that fact stated as one of the causes by Mr. Wentworth why it was necessary to neutralize my evidence in every possible way that he could; it was material for him to do something to tie me down, to prevent me going home, and to that circumstance do I attribute among others that species of persecution I was afterwards subject to.

654. In the Parliamentary Paper, 586, p. 25, Lieutenant-colonel Shadforth, of the 57th regiment, is asked in his examination before the Executive Council, "Was any representation made to you by the surgeon of the regiment, or any other medical officer, respecting the state of Sudds's health at that time?" the answer is "No." "Was there any medical officer of the garrison present during the ceremony?—Not that I am aware of; if there had been, he would have reported to Colonel Stewart and not to me, if any medical report had been necessary. Do you know whether any report was made of the state of Sudds's health to the Governor, or to any department of government, previously to his being taken from the gaol to the parade to have the chains put on him, or afterwards,

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prior to his death?—I do not. What was the general character of Sudds?—His conduct as a soldier I considered bad; he was a drunkard, and in one instance I knew him to have been dishonest, independently of the act of which he was convicted." Have you any observation to make as to the assertion of Colonel Shadforth, that he did not know that there was any report made to the Governor, or any department of government, of the state of Sudds's health previous to his being taken from the gaol to the parade to have the chains put on him. Have you any reason to impugn the testimony so given by Lieutenant-colonel Shadforth, to which he swore?—Most certainly not; because Sudds and Thompson being taken and handed over to the civil power some time previous, Colonel Shadforth, who commanded the 57th regiment, had nothing to do with them; they were transferred from the regiment to the civil power after their conviction.

655. In the same examination before the Executive Council, an individual named Mr. Henry Steel, governor of the gaol of Sydney, was examined on the 8th day of May 1829, at the bottom of p. 23, "Do you know if the illness of Sudds while in gaol was ever reported to the Governor, or to the colonial secretary?" His answer is, "It was not; it not being usual in such cases to do so." Have you any reason to doubt the truth of that answer?—None.

656. Have you any reason to doubt General Darling's ignorance of the illness of Sudds until the day of his death?—It strikes me as extraordinary that General Darling, who had ordered this peculiar punishment, should not have ascertained the state of the man's health, whether he was able to bear it or not; that strikes me as extraordinary in it; it appears to me very strange that he did not hear of it.

657. You do not know in fact whether he did hear of it or not?—No.

658. You have no fact upon which you ground the opinion?—No, I have not.

659. From the answer which has been read to you, in which the expression "reported" occurs, what meaning do you give there to the word "reported"?—Reporting, in that sense of the word, is officially stating the fact, or stating it in any way.

660. How long had Sudds been in custody of the civil power before he was brought to the parade?—From the period of his being taken up for trial at quarter sessions, some time before.

661. Six weeks?—I dare say it was, but the Parliamentary Papers will show that.

662. Was it about six weeks?—It was some time.

663. And he was brought from the gaol to the parade in the custody of the civil power?—Yes.

664. There is a surgeon belonging to that gaol?—I always understood so.

665. Who had the care of the prisoners in that gaol—Yes, certainly.

666. Do you say that as a fact of your own knowledge?—No.

667. Does it not appear from the Parliamentary Papers?—Yes, it does appear that an individual had attended the man there.

668. Are you aware of any report having been made by that surgeon, that Sudds was in an unfit state to be brought upon the parade for the purpose of that punishment?—I have no personal knowledge whatever of that.

669. Have you ever heard of any fact which should induce you to suppose that any such report was made?—I wish to say nothing that I do not know personally, and therefore I say that I have no personal knowledge.

670. Can you give the Committee any intimation of any clue by which they might arrive at the knowledge of any report?—No.

671. General Darling was not upon the parade at the time this punishment was inflicted?—No, he was not.

672. How many officers of higher rank than yourself were there on the parade?—The returns will show, but I will enumerate. There must have been the officer commanding, the officer of the Buff regiment, Colonel Stewart, and the officer under him, and the officer commanding the 57th, the officer commanding a portion of the 39th, and other captains that might have been of higher rank than me, of higher standing.

673. But none of those made remonstrance to Colonel Stewart on the parade?—No; it is very unsoldierlike to do so.

674. Is there anything unsoldierlike in an officer of distinction, upon observing the sickly state in which Sudds was when he saw the irons put upon him, and that his state had attracted the attention of the men, mentioning to the commanding officer that he considered the state of that man ought to be looked to?—I will put a hypothetical

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a hypothetical case; if any general officer had been on the parade himself and there was a punishment ordered, supposing there were 100 officers on that parade, 99 out of the 100 might consider that that was too severe a punishment; but I do say, that that 99 out of the 100 would not have felt themselves justified, and it would have been perfectly insubordinate for any of the officers to go to the general officer and represent that.

675. Your answer involves the extent of punishment. The question asked was, whether in the state that Sudds was as to health, which was no crime or act of indiscretion on the part of the officer, after the parade it would not have been perfectly proper for any officer to have cautioned the commanding officer as to the state of his health, without incurring his displeasure?—I should say that the commanding officer, being present, and being able to judge for himself, might say, "This is an officious act of yours, and it is a piece of impertinence for you to come and tell me what I see with my own eyes and can judge of as well as you."

676. But as you had so little disinclination that your strong and harsh expressions should be reported to the government, why were you so cautious in informing Lieutenant-colonel Stewart, with whose regiment you were messing, your opinion of the sickly state of a person who was not punished by him, but whose punishment he superintended?—I have no hesitation in saying, that I expressed my opinion at that mess, and in the different conversations that I had, quite as strongly as when I witnessed that punishment, and as when I had those irons on me at Emu Plains; but I did not go to Colonel Stewart and impugn his conduct for allowing that punishment to be carried into effect.

677. Are there in England any of the officers of the Buffs regiment, to your knowledge, who messed with you at that time in Sydney?—I did meet with one the other day and he has gone to Brussels; he is now on half-pay; he was then lieutenant and was present at the time.

678. What is his name?—Captain Grant.

679. Do you know of any other officer?—Not that I am aware of; I met a married officer who was there, but he being married did not attend the mess; his name is Lockyer.

680. Was he upon the parade at that time?—I rather think not.

681. Is there any officer at present in England who was upon the parade at the time that the punishment was inflicted?—To my personal knowledge none; but it can be found at the Adjutant-office what officers were present at Sydney at the time.

682. But you are not aware of any single officer who is in England who was upon the parade?—No.

683. Are you aware of any that are in India?—Yes, I should think nearly all must be in India.

684. In the examination of Colonel Shadforth, it is asked, "In what state did Sudds appear to you to be at that time, and did you observe any levity of manner after his irons were put on?—Sudds appeared to me to be in a sickly state, but I attributed it to his having been a hard drinker, and being deprived of the stimulus he had been used to, and to the excessive heat of the day; I did not observe any levity of manner in either of them after the irons were put on. Previously I did. When the convict clothing was laid down before them, which it was intended they should wear after being stripped of their military clothing, Thompson, taking up a part of the dress, exclaimed, 'd——d handsome trowsers these,' or words to that effect. Sudds, who heard this, turned round and laughed." Have you any reason to believe that that is a statement contrary to fact?—I have not, indeed; I did not remark that; I remarked that Thompson was going to address the parade, and he was ordered by Colonel Stewart to be silent.

685. It follows, "Did Sudds sit down either before or after the irons were put on when on the parade, and in presence of the troops, which were under arms to witness the ceremony?—I really cannot positively state, but I think he did sit down to have his convict shoes put on, which he seemed to effect with difficulty, his feet being swollen." Do you believe that to be the fact?—I believe it.

686. At the conclusion of the examination he is asked, "What was the general character of Thompson?—He was not a bad man, but being silly, was easily imposed upon, and consequently became troublesome; in the present instance he was, in my opinion, the dupe of Sudds, who was a deep, designing man." Do you know that is in the examination?—Yes.

687. Mr. Steel, whose examination has been referred to, is asked, "Do you know

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know whether the irons, which had originally been put on Private Sudds of the 57th regiment, were afterwards put on Private Thompson, of the same corps?—I believe they were, when Thompson broke the chain of irons. By whose orders was this done?—If it was done at all, it must have been done by the orders of Mr. Wilson, the under-gaoler; I was attending at the Supreme Court at the time." Do you believe that to be a fact?—Yes.

Lunæ, 24° die Augusti, 1835.

WILLIAM TOOKE, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, called in; and further Examined.

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688. THE Committee understand you to say, that the office of inspector-general of hospitals was created by General Darling for Surgeon Bowman?—So it was understood in the colony.

689. And that he had not been regularly appointed before the transaction took place of a criminal information against Dr. Bowman, and that notwithstanding his being convicted in damages on that occasion, he was still appointed inspector of hospitals?—I would say that it was about the same period; I said that it was a matter of notoriety in the colony that a crim. con. action was pending.

690. Are you aware when the crim. con. action took place?—No, but I could very soon see by referring to the papers.

691. You conceive, however, that the crim. con. accusation or trial came on about the period, or rather before the period, of his appointment as inspector of hospitals?—I should think just about it, perhaps rather after than before it, but just about that period.

692. And you still think that that situation of inspector of hospitals was created by General Darling, for the purpose of assisting his friend Dr. Bowman, in consequence of Dr. Bowman's power of being of importance to him as a witness in the case of Sudds and Thompson?—I think it was done as a mark of kindness to Dr. Bowman on the part of General Darling.

693. But for the specific purpose of influencing his, Dr. Bowman's testimony, in favour of General Darling?—I conceive that that is pinning it down to a very tight sort of thing; I would not say that that was the only reason, but in my opinion I should say that that was one of the strongest reasons that he had for the appointment; it struck me at the time, and so it did others; but I will confine myself to my own opinion, that it was with reference to the evidence that he might give, and altogether, the case of Sudds and Thompson.

694. Still you persist in thinking that this appointment of inspector of hospitals was created by General Darling, for the purpose of influencing Dr. Bowman's evidence in the case of Sudds and Thompson?—I think it had a vry material effect in so doing.

695. If the Committee were to show you that on the 21st of November 1826, some days previous to Sudds's death, a minute was issued by General Darling, appointing a Board of officers to revise the salaries of the different departments of the government, and that the medical department was one of those departments which were to be so revised, previous to the parade on the 22d, previous to Sudds being put in irons, and previous to the death of Sudds; the Committee ask, whether if a Board having sat to revise those different departments, and having made on the 6th of March 1827, a report, recommending, among other things, that the principal surgeon should be designated as inspector of hospitals, would you not, with that candour which an officer and a gentleman has in giving his evidence, even against an adversary, think that you had been disposed to take an erroneous view of the creation of this office?—If it was clearly made to appear to me that a minute of the council, recommending Dr. Bowman to be made inspector of hospitals, had taken place at the period that this question refers to, namely the 21st of November, if that was the case, and if I saw such a minute as that, it most unquestionably would shake very much my opinion as to the office having been made for Dr. Bowman with reference to any testimony that he might give as to Sudds; but I should be extremely cautious in adopting the recommendation of a Board, because

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it has come to my knowledge that when General Darling wished to make any appointments, he referred them to a Board nominated by himself, and consequently that it was his own act, although made by that Board.

696. But this minute of the Board was not to revise the salaries of the medical department alone, but of eight other public departments; it was a general measure, not having reference to the case of Sudds and Thompson, which had not then come before the public, but a general measure of financial arrangement; and the Board were appointed before the case of Sudds and Thompson was known to exist?—I should say, if that was the case, I could not venture to say that the place was made for Dr. Bowman under such circumstances, with reference to Sudds and Thompson.

697. The Committee would proceed to other dates. On the 8th of April 1827, General Darling forwarded the report to the Secretary of State made by that Board in a despatch, No. 48, in which, as far as Dr. Bowman is concerned, he recommended to the Secretary of State the arrangements proposed by that Board, and it appears by the report of that Board that they made the arrangement, designating Dr. Bowman as inspector of hospitals, and not General Darling. It also appears on the 31st of March 1828, that the Secretary of State for the Colonies approved of that report, and ordered it to be acted upon. On the 28th of October 1828, the appointment was made by General Darling, naming Dr. Bowman from the office of principal surgeon to be inspector of hospitals. The allowances of the principal surgeons had been about 700 *l.* a year before, and that Board recommended that he should have, in lieu of any emoluments which he formerly had, a fixed salary of 800 *l.* a year and forage for two horses; that was the Board's recommendation, which was acted upon by General Darling and by the Secretary of State. On the 6th of November 1828 this appointment of Dr. Bowman to be inspector of hospitals was notified by general orders. On the 9th of December 1828 the trial took place of Hart *v.* Bowman, in the criminal information, proving that the trial upon Dr. Bowman took place in the month of December 1828, when the recommendation of the Board for that appointment of inspector of hospitals had been made on the 6th of March 1827. The Committee have given you these dates in order to show, that so far from this appointment of inspector of hospitals having been created by General Darling for the purpose that you appear to think, it was the Board which was ordered to sit, of the date of the 21st of November 1826, and that their recommendation in a long report was made on the 6th of March 1827; under all these circumstances, do you think General Darling can fairly be said to have created this office of inspector of hospitals for any sinister purpose, anticipating the trial of Sudds and Thompson?—If I could perceive that it could be shown to me that previous to the 9th of December 1828, Dr. Bowman was recommended, I should say no.

698. Were you aware of the report of this Board?—No.

699. Consequently the opinion you gave upon the subject of the motives that induced General Darling to appoint Dr. Bowman was not at all controlled by any knowledge you had of the Board having given their opinion?—I had no knowledge of such a Board until this moment.

700. If you had no knowledge of the Board, and had not heard of the orders given on the subject, does it not now alter your opinion of the transaction?—If the Committee will point out any report of the Board recommending this previous to the 9th of December, I will admit it.

701. Was not Mr. Wentworth, who is the author of the letter of impeachment against General Darling, the counsel of Dr. Bowman in that crim. con. case in December 1828?—I really cannot tell till I look at the papers; if I see it stated in the papers, I have no doubt about it.

702. Was Mr. Wentworth a barrister?—Yes, a leading barrister in the Supreme Court.

703. Mr. Wentworth on that occasion, in his address to the jury, states his conviction that this criminal information against Dr. Bowman was one which they would term a got-up case, the woman being a woman of doubtful character, and the damages, which had been laid at 2,000 *l.* against Dr. Bowman, were cast in 50 *l.* damages; is not that the result of that trial?—The result of that trial is, that he was cast in 50 *l.* damages.

704. Are you aware, having resided at Sydney, that after this event Dr. Bowman's family, his wife's family, as well as his own, and his wife, continued

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to live with him, thinking that he had been entrapped rather than that he had been voluntarily immoral in this transaction?—I do not know that at all; all that I know is, that they did live with him.

705. Putting all those circumstances together as regards Dr. Bowman, do you not consider that the insinuation conveyed against his sworn testimony may fairly be mitigated by those circumstances, of some of which you had no previous knowledge at the time you gave your former answer?—I must confine myself to the former answer that I gave; I would perfectly exonerate Dr. Bowman at once, if it could be shown, that previous to the 5th of December, he had been recommended by the Board.

706. You state yourself that you had no knowledge of the recommendation of the Board?—Certainly.

707. Do you now abide by your former opinion, that the appointment of Dr. Bowman was suggested by sinister motives?—I can only repeat my former answer, that if it was shown to me that Dr. Bowman was recommended by that Board previous to the 5th of December, I should not; until I am shown that Dr. Bowman was recommended for the appointment previous to the 5th of December, I abide by my former answer.

708. Without any reference to the dates, you have stated that in your opinion the office of inspector of hospitals was created for Dr. Bowman?—Such was my impression.

709. And you stated that that office was created by General Darling?—Yes, to the best of my knowledge, as far as one of the public heard of these things.

710. If it shall appear that that office was created in consequence of the recommendation of the Board, and not of General Darling, does that weaken the opinion you have formed?—Most unquestionably it would; if it was made previous to Sudds and Thompson's business, I should at once say that I was in error.

711. If that appointment was made by the recommendation of the Board, and not by the authority of General Darling, is it material whether it was one date or another?—Very material indeed, in my opinion.

712. Will you state your reason?—Because it came to my knowledge that General Darling, whenever he wished to make any appointment, did it by a Board, and that Board selected by himself, of his own relations placed on that Board.

713. Taking the dates now into consideration, if you should find that a Board had it in contemplation to regulate nine offices, this being one of them, would that weaken the inference you draw?—It depends entirely upon the date of the recommendation.

714. If previously to the transaction of Sudds and Thompson, you found a Board having under their consideration nine offices, the inspector of hospitals being one, would you still think that that office was created with a view to Sudds and Thompson?—Most decidedly not, if it was recommended previous to Sudds and Thompson.

715. Suppose it not to be recommended, but it was one of the subjects under consideration at that time?—Then it comes to a very nice point; it is only an impression upon my mind, and the impression is, that this was originally an appointment made for Dr. Bowman. If I were rectified by anybody showing me that this recommendation had taken place previously to Sudds and Thompson's business, I would at once say that I had formed a wrong conclusion.

716. And you think that the circumstance of this office being under consideration before the case of Sudds and Thompson occurred, would make no difference?—This is the first time that I heard of the office being under consideration before Sudds and Thompson's affair, and if it was (as I said before) proved to me that the Board had intended to recommend that office previous to Sudds and Thompson, most unquestionably it would shake my opinion very much.

717. And so if they had it under consideration?—No, because my knowledge of those Boards and the constitution of them, being so peculiarly under the immediate guidance of General Darling himself, the mere consideration of the thing would not have that effect; it is not as if the Board were left solely to act as an independent Board of itself.

718. Supposing they had come to any determination previously to the death of Sudds,

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Sudds, would it not make a considerable difference in your mind that the recommendation should come after the death of Sudds?—Certainly.

719. The date of the appointment of that Board was the 21st of November 1826, the punishment on Sudds and Thompson took place on the 22d of November 1826, and the death of Sudds took place on the 27th of November 1826, and the meeting of the Executive Council relative to Dr. Bowman took place on the 9th of December 1826; are you aware that that Board would meet between the 21st of November and the 9th of December?—I have no personal knowledge of that fact.

720. Their duties were very various, according to what has been stated?—They were; any appointment that it was necessary to form under General Darling's administration, he usually referred to the Board.

721. But this Board had nine branches of expenditure under their charge?—I do not know that.

722. You do not know whether that Board gave any consideration to the appointment of Dr. Bowman before he was called upon to give his evidence or after?—I have no knowledge of that fact.

723. But still you have a lurking suspicion that this appointment was created by General Darling, for the purpose of influencing the testimony which he might be called upon to give upon the case of Sudds and Thompson in 1829?—Such was the impression at the time on my mind.

724. Do you still consider that Dr. Bowman, being upon his oath, is a person who would directly swear that he did not report to General Darling the illness of Sudds, when he had so reported to General Darling; and can you suppose that General Darling is made up of such vindictive feelings, that he, General Darling, knowing that Sudds was ill and in irons, refused to take those irons off Sudds?—I should be extremely sorry for one moment to insinuate that Dr. Bowman was not to be believed on his oath; I never meant to insinuate anything of the kind. And with regard to the other part of the question, as to the vindictive feeling of General Darling, knowing the state of the man's health, as a matter of feeling and common humanity, I cannot venture to say that General Darling would be so unfeeling if he knew the state of his health; I did not for a moment suppose that he would.

725. It appears in the Parliamentary Paper, No. 586, at page 54, that the convict Thompson says, that Sudds did not go to the hospital after the parade of the 22d till the next morning, namely, the 23d; that is stated at the page mentioned?—I have no doubt that it is, I have a recollection of it.

726. Martin Wilson, the under-gaoler, at page 6 of No. 538, swears that Sudds was taken to the hospital on the 23d?—Yes.

727. And Martin Wilson, the under-gaoler, swears that Sudds was, when he had those irons placed on him on the 22d, taken into the hospital on the 23d, and the irons then were taken off him by order of Surgeon Mac Intyre?—It is so stated.

728. John Toole, at page 7, the first turnkey, says the irons were removed by him on Thursday the 23d of November, about four o'clock?—Yes, it is so stated.

729. John Thompson, the medical attendant, says that he was the next day, Thursday the 23d, brought to the hospital of the gaol about four o'clock, when the irons were taken off him?—Yes, it so states.

730. Those four different witnesses all concur in stating the same thing, that the prisoner Sudds, having had the irons put on him on the 22d, had them taken off on the 23d, at between two and four o'clock, when he was taken into the hospital?—They do.

731. Thompson, at page 54 of the paper, No. 556, says, "I do not know that he (Sudds) reported his illness to the gaolers that evening," namely the 22d?—It is so stated.

732. Mac Intyre himself says that he knew nothing of any complaint of illness on the part of Sudds, until it was reported to him on the 23d?—It is so stated.

733. Under all these circumstances, have you any doubt that Sudds was in irons from the 22d on the parade, until they were taken off him on the 23d, somewhere between two and four o'clock?—I have no reason to doubt that.

734. You are aware that those different witnesses that have been enumerated to you have all deposed that the irons were taken off him on the 23d; and the Council, in closing those proceedings of Saturday, the 9th of December, make

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use of the following expressions: "The Council, in closing its proceedings, cannot do so without remarking, though not intending to impute any improper motive to Assistant-surgeon Mac Intyre, that his statement was confused and inconsistent;" no doubt that this arose from want of recollection, and there being no book or record kept in the hospital to which he could refer to assist his memory; that is the statement made by the Council?—It is.

735. Is it not also sworn to and assented to by Mac Intyre himself, that he did not keep any order or sick-book in the hospital as regarded Sudds, and that he even did not keep a written report of the dissection of Sudds?—It is so stated in the report.

736. There is a letter of Mr. M'Leay's, of December the 1st, 1826, three days after Sudds's death, in which letter he invites the editor of the Australian to examine the chains that had been fabricated for Sudds or Thompson, and he makes use of these words: "If you have any desire to examine the chains, you are at liberty to do so now at my office; they are a counterpart of those put on Thompson, they weigh exactly 13 lbs. 12 ounces; and it will be seen from their construction, that they are not of such a nature and form as to prevent a man from extending his body, and from lying on his back, belly or side, when he would endeavour to sleep;" that is the statement made by Mr. M'Leay to the editor of the Australian, in consequence of very severe observations which have been made in the paper against the punishment of Sudds and Thompson; is it not?—It is; but in all this statement it is most studiously avoided saying anything about the collar in any part of the report of General Darling from his military secretary or from himself; it is most studiously avoided giving a description of the chains.

737. The Committee call your attention to the answer of the Australian paper, dated 2d December, in reference to that letter of Mr. M'Leay's, in which he invites the editor to come and examine those chains, declaring, three days after the death of Sudds, that they weighed only 13 pounds 12 ounces. The passage in the Australian paper of Sydney, 2d December, is as follows: "We have respected the existing government, because we have considered that humanity and well-meaning are and have been its leading attributes. For a moment we were shaken; only for a moment; and we do feel pleasure in acknowledging that while we impute the error which has been committed to anything rather than barbarity, the pain and suffering actually endured by Thompson and Sudds are more to be ascribed to inward feelings and a sense of degradation than to any torture which the chains, illegal and improper as they were, could inflict. The fair and candid letter of the honourable Mr. M'Leay constrains us to make this admission. We hate evasions. The letter does not descend to evasions, or seek to conceal one fact. We certainly do regret that in the minute points of the information which we communicated to our readers on Wednesday, we were not strictly accurate. We have seen the chains; and though they had not those horrifying appendants annexed to them which would prevent the wearer from taking rest, still we cannot, in our judgment, give them an essentially different character from that which they have hitherto borne; they are not fit for use under English laws. Their construction, however, is exceedingly light, and not calculated to inflict torture. We here subjoin Mr. M'Leay's letter; and so much do we admire the temper and fair dealing it manifests, that we wish every communication despatched to the editor of a newspaper, whether for the sake of imparting information or correcting errors, was dictated in the same tone and spirit of manly straightforward and honourable feeling. The disunions and asperities occasioned in society by a malignant press would then cease to exist." In that passage of the Australian which has been read, it appears that the editor had seen the chains which were worn by Thompson, in the office of the colonial secretary, which he, the colonial secretary, had stated, three days after Sudds's death, weighed 13 lbs. 12 oz., and which the editor himself says "were light, and not calculated to inflict torture;" he then having come from the inspection of those chains. You stated that you never saw those chains but once at Emu Plains, after dinner and by candlelight; therefore the Committee ask you if the colonial secretary, three days after the event of Sudds's death, publicly calls upon the Australian editor to see those irons; and if they were publicly seen in his office, he declaring them to weigh 13 lbs. 12 oz., do you still persist in placing your opinion, formed after dinner and by candlelight, against the evidence that you have heard upon this question of the weight of the chains?—If those are the identical

identical chains which I saw at Emu Plains that had been worn by Sudds, I should not set my opinion up against all those persons.

738. You have no doubt that the chains shown at the secretary's office three days after, were the chains worn by Sudds and Thompson?—No; I should suppose they were.

739. Have you any reason to suppose that there was any difference between the chains that were worn by Thompson and by Sudds? Do you suppose that the two sets of chains which were put upon Thompson and Sudds were the same in every respect?—One of them was lighter than the other; they admit that; but they were the counterpart one of the other.

740. But the chains which you had on at Emu Plains, which you were told were Thompson's chains, you have no doubt were the same that Sudds had previously worn?—I have none.

741. Is this pamphlet with a print in the frontispiece, being headed "A specimen of the Instruments of Torture inflicted on the persons of Joseph Sudds and Patrick Thompson, soldiers in the 57th regiment, by order of Governor Darling, in Sydney, New South Wales," published by you and with your concurrence, as being a representation of the manner in which those men suffered?—I should say the body of this man that is lying down was much more puffed and swollen; but as to the chains, they are of the same form and construction.

742. And calculated to keep a man in that torturing position?—I will not say that, because the man, if he will draw his legs up close, it is obvious can twist himself round.

743. Those are designated as a specimen of the instruments of torture inflicted upon Sudds and Thompson; do you think that this print is calculated to give the public, and those to whom you referred when you brought this case forward, a just and fair description of the manner in which Sudds and Thompson suffered?—I do.

744. Do not you perceive that those chains, particularly those connecting the collar with the feet, appear to keep Sudds, who is suffering, in a cramped attitude, so that he cannot lie down?—That is going into the minutia of this; I merely state that this is a fair representation of what the chains were, according to the account given of them at page 4, which is as follows: "They consisted of an iron collar like a stock round the neck, with spikes about half a foot in length projecting therefrom before and behind, chains also communicating from each side of the iron collar to heavy leg chains fitted with iron rings round the ancles. The iron collar was rivetted round the throat."—*(See* Frontispiece.*)* That was the intention of the frontispiece.

745. Whose description was that?—Mine.

746. Therefore the picture was made (in conformity with which the chains are made) by yourself?—The chains are made in conformity with that description.

747. Have you not already stated in your evidence that the chains which you tried on at Emu Plains, you being 5 ft. 11 in. in height, and Sudds being only 5 ft. 7½ in., were nearly long enough for you to stand up in, and therefore if that be the case, how is it possible that this print can give anything but an exaggerated specimen of the chains being so short?—It never was my intention, and this passage which I have read would never convey that they were to be shorter or longer.

748. But the picture does make them appear to be shorter, and calculated to keep these culprits in a position of torture. You head the article by calling it a "specimen of the instruments of torture," and the Committee ask you candidly, after your admission that the chains were long enough for you, being 5 ft. 11 in., to stand up in, whether that book does give a fair idea of the length of those chains?—I never meant to convey that the chains that Sudds had on him were too short for him, only when he wished to turn about, it was necessary for him to contract the chains.

749. Is it not stated by Thompson, at page 54, in the Parliamentary Paper, No. 586, "I believe Sudds could lie at full length with his irons on, either on his back or his sides;" and is not that picture calculated to give the public an impression that the chains were so constituted that the culprit could not lie down in an attitude of repose?—Not without turning the spikes, as must be manifest to any person who had them on.

750. The question is, whether Thompson, having himself deposed, at page 54, that "Sudds could lie at full length with his irons on, either on his back or his sides," did you yourself, having put them on, and having lain down in them, do

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you still think that that representation by the picture is calculated to give the public a fair specimen of the chains that were put on Sudds?—I have already stated in my evidence, that I could not lie down in the positions that are stated in that question without contracting my legs in turning over the spikes; I might lie down in one position, but I could not lie in all positions without doing so.

751. Do you consider this a fair representation or not?—Taking it as a whole, I do; but as this particular point is brought under review, whether I can say that that was or was not the length, I should say that the thing might have been longer, but taking it as a whole, I think it is a fair representation of what I saw of the irons on the man, but in the position in which this is, I should say that that appears to be rather short.

752. Was it designed by you?—No.

753. Was it designed for that pamphlet for the first time, or was it in existence before the pamphlet?—This design was in existence before in another pamphlet.

754. Do you know by whom it was first designed?—In 1832; two years before the publication of my pamphlet, I saw a pamphlet which had been published and circulated with reference to this matter, a fac-simile of this same punishment, and it is in that book which I produce.

755. You just stated that you sanctioned the publication of that book?—I do not go from that.

756. Being appended to the pamphlet issued by you, you hold yourself, as a gentleman, responsible for the terms which you use in that frontispiece, namely, "specimens of the instruments of torture inflicted on the persons of Joseph Sudds and Patrick Thompson?"—In every question that I have answered; I see what the intention in putting the question is; my whole and sole intention was that a fair specimen should be given of what I had written. I had written this pamphlet just before, that the chains consisted of so and so, and this print was pointed out to me. If I am asked, was the chain so short as it is, then I should say that I do not believe that Sudds's chain was so short as that.

757. But this is your pamphlet and this is your book; you are responsible in law, and you are responsible as an individual in a moral sense of the term, for having published this as a true delineation of what you consider to be the case of Sudds and Thompson, and you also pledge yourself as being responsible for the words which are appended to that picture in your pamphlet?—I do still say that that is a fair specimen, with the exception in looking into this minutely now, I have not had my attention drawn to that fact before; the intention was to show what the nature of the irons was. I had not the drawing up of this; but if it is meant to say, was that a representation of the chain on the soldier lying down, I should say that it is rather too short.

758. At any rate the writing upon that page is yours?—Yes.

759. You are responsible for what is there written, are you not?—Yes.

760. You admit that?—I do.

761. Is there not this passage: "The irons were made of round bolt-iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each.—Minute of the Executive Council of Sydney, May 28, 1829." Is it not proved in evidence that those spikes, instead of being a foot or 18 inches from the collar, were seven inches in each projection, and that you yourself in talking of them always called them seven inches long?—The whole of this pamphlet originated from replies to General Darling's pamphlet. I cut these out of the New South Wales paper; I have no doubt that what is put there is the copy of what is put in the New South Wales paper. I now see, in looking over this, that there must be some mistake as to the report.

762. At page 9, Paper No. 586, there is a description of the irons as originally put on the prisoner Thompson, and also another set which were those sent to Emu Plains, originally put on by the prisoner Sudds, and afterwards worn by Thompson, in which the two projections are seven inches long to the extremities, made of iron one-eighth of an inch thick, and one-fourth of an inch broad; have you not also confirmed that opinion by stating that the length of the projection was in your opinion about seven or eight inches?—All that I have had to with it is in page 4; that is the description I have given in page 4; it will be found what I have said; that is the part that I wrote; that is the part that struck me as giving a true account of what the chains consisted of; and as to anything being put down, if it does not exactly agree with the minute of the Council, it must have been some error

error in copying the paper, but still there could be no mistake, for my reference in page 4 is to the description on the frontispiece.

763. Then your opinion is that the projections were about half a foot in length?—Yes.

764. But nevertheless, in the words that you have used on the frontispiece of your pamphlet, you have stated from a foot to 18 inches from the collar; is not that description, in which it is said that they are from a foot to 18 inches to the collar, said to be from the minute of the Executive Council of Sydney, May 28, 1829?—It is said to be.

765. Then if the Committee understand right, this description so exaggerated, of being from a foot to 18 inches long, has the additional exaggeration of being supposed to be an extract from the minutes of the Executive Council of Sydney, May 28, 1829?—The description of those irons, and the writing that is now referred to as having been taken from the Executive Council, was copied from a pamphlet that had been published two years before, and no doubt that might have led to the discrepancy; but so far as I have had to do with it, which is the only part that I myself wrote, referring to the frontispiece, is in page 4.

766. You have already said that you are responsible for the writing that has appeared upon this frontispiece, because it alludes particularly to your case, and it varies: one is put, "A specimen of the manner of torture," and another is put in this way to the public, "A reply in refutation of the pamphlets of Lieutenant-general Darling;" but this one, which is supposed to be a reply to Major-general Darling, has these words: "The irons were made of round bolt-iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 pounds each.—Minute of the Executive Council of Sydney, May 28, 1829." Is that which is written here not meant to apply to the case of Sudds and Thompson, that those irons were in that state, that they were made of round bolt-iron?—Unquestionably they were referring to the irons of Sudds and Thompson.

767. Will you be so good as to refer to page 13 of the Executive Council, in which there are precisely the same words used about the middle of the page, "they were made of round bolt-iron, formed into a collar for the neck," &c.; was that passage, which you have appended to the case of Sudds and Thompson, meant by the Executive Council to have any reference to the case of Sudds and Thompson or not; had it not reference to certain irons made, as Mr. Gibbon states, about the year 1793 or 1794, and by order of Lieutenant-governor Grose, for women convicts; is it not meant to apply to a different case from that of Sudds and Thompson?—Upon looking to that report, it certainly does.

768. So that you append, with all the value of official information, to your reply to General Darling the extract of a minute from the Executive Council, which does not refer to the case of Sudds and Thompson, but which refers to the case of women convicts in the time of Governor Grose?—No, it does not. I refer to my own description of those irons, and if the Committee will allow me, they will see how this occurred. Two years previous to the pamphlet which I published, which is now referred to, there was another pamphlet published upon the same subject, and when I wanted to give a description, as I have already done here, in the passage which I have read, of what I had witnessed myself, the frontispiece which had already been published in a former pamphlet, I told them was a fair description of the irons, and to this moment I never had that pointed out to me, because there you will find the exact and identical passage from the pamphlet that was published two years before, and this being shown to me, I had that appended as a description of what I saw, and that appears to be put in; but if you read what I said, the Committee will find that that description is correct.

769. Does it not appear, whether from accident or not, that the extract from the minutes of Council, with all the value of such an official extract, is appended to this reply in refutation to the pamphlets of Lieutenant-general Darling, being an extract from the official minutes, which does not apply to the case of Sudds and Thompson?—Unquestionably it is; but then it is subject to the explanation that I have given in my last answer in reference to the former pamphlet published two years before.

770. This is in that respect, then, a garbled statement of the minutes of the Executive Council, inasmuch as this extract does not apply to the case of Sudds and Thompson, but does apply to a description of the irons used by General Grose in 1793 and 1794?—Yes; but it is the same that General

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Darling refers to in his affidavit, as being modelled from, before the King's Bench.

771. Mr. Gibbon states that Governor Grose had ordered punishments of this description, and you give an ingenious reason why this should be appended. You say that such was the state of the colony at that time, when it first became a convict colony, that in order to prevent prisoners from having great facility of escaping except through a door, those projections were made to prevent their getting out of the small windows or doors?—Yes.

772. Is this description which the public have had before them, not only so far as the print goes, detailing the length of the chains, but as far as the minutes of the Council go, not a true and accurate description of the thing as applies to Sudds and Thompson; does not it apply to another case, that of the chains made by General Grose?—That is, as far as the extent of the spikes.

773. Is that a true description of the extract from the minute of the Council?—No; but then it is merely with reference to the extent of the spikes.

774. And the weight?—There must be a slight difference as to the weight, for the spike was longer.

775. Have you not, in a letter this year, addressed to the House of Commons, dated the King's Bench prison, 25th of June 1835, made use of this passage: "The frontispiece of the libel represents Sudds reclining in the irons, in a dying state. Twenty times did Sir Frederick Pollock, in a sneering tone, point at this picture while he held it up to the view of the court, and tauntingly ask me, when he knew that I could not and dare not answer him there, 'Does the defendant mean to say that this is a faithful delineation of the scene?' I now have the opportunity of telling Sir Frederick Pollock that this graphic description of the scene was in strict accordance with the Parliamentary Evidence; and I tell him farther, that having read that evidence in my affidavit, he knew it to be so." After what you have just stated, will you not at once candidly admit that you were not so right when you used that language in your letter to the House of Commons?—I take it that the object in this Committee is the elucidation of the truth in every possible way. I have no hesitation whatever in stating, that the impression upon my mind, when I wrote that passage with reference to Sir Frederick Pollock, was this: he held up, as I have stated in the passage, the representation of the irons, and he put it generally whether I meant to say that that was a proper representation. I do unquestionably think it was a proper representation of those irons; but now that I have it pointed out to me what has been just read, I admit that there is that mistake in it, that they have taken a passage with reference to a former punishment, and placed it under that.

776. Is that mistake in favour of or against General Darling?—Most assuredly against General Darling, so far as the spikes are concerned.

777. Have you not, at page 15 of the letter to the House of Commons, stated, in speaking of the irons, "I, who have tried them on, have sworn that their weight exceeded 30 lbs.;" these are your own words; is it true?—To my belief, I never swore positively that they were; the Committee ought to have the whole affidavit, for if certain parts are taken out it is not fair upon me.

778. This is no partial selection of a passage in the affidavit, it is at page 15, an extract used by yourself in describing your own case; it is no partial extract of the passage of the affidavit; it is in these words: "I, who have tried them on, have sworn that their weight exceeded 30 pounds; three disinterested witnesses have by their affidavits confirmed my evidence, and have even stated the weight to be much greater: their names are John Staples, John Head, and John Robison. I believe that their estimate is more correct than mine, but I felt most anxious not to overstate it. Thus, even with my limited resources, I have succeeded in putting on record four affidavits upon this important point; and it may be fairly presumed that irons of the form which these are admitted to have been, could not have weighed much less than 30 pounds to be durable. What reply does General Darling give to this? That one set weighed 14 pounds 6 ounces, and the other 13 pounds 12 ounces, and to make this statement pass current, he adds an affidavit of Archdeacon Scott to the same effect." The Committee have read the whole of the paragraph in the very terms in which you have thought fit to address the members of the House of Commons, and in doing so there is no selection of any part except that made by you; do you still believe that you have sworn that the chains exceeded 30 pounds?—The best answer to that is the affidavit itself.

779. Are

779. Are the Committee to understand that you admit that the words under the frontispiece quoted by you there, as a minute of the Council, applying to the frontispiece above them, are not in any way applicable to that frontispiece, or to Sudds and Thompson, but are solely descriptive, and refer solely to certain irons made by order of Lieutenant-general Grose in 1793 or 1794?—Yes, they refer to the evidence of Gibbon with reference to Governor Grose.

780. Not to the irons made for Sudds and Thompson?—As far as the spikes, not to those irons; the spikes are the things that the wrong quotation is taken from.

781. Then, without meaning to attach wilfulness or design to the word false, it is a false quotation?—It is an erroneous quotation.

782. Was it by your order that this quotation was made and affixed to the frontispiece?—Two years before, there had been a pamphlet published, and that pamphlet had also a general representation of those irons, that was in 1832, which I conceived to be so perfect, that it was by my directions they were placed upon the pamphlet which I published; in that pamphlet will be found the same erroneous quotation that is given in this.

783. By whom was that pamphlet written?—I cannot positively state; not by myself.

784. Then the error was in copying this upon your pamphlet, which had been written by somebody else?—Yes; the Committee have referred to a passage in my letter to the House of Commons, and they read this: "I who have tried them on;" and it made a strong impression in the Committee, I have reason to believe; "I, who have tried them on, have sworn that their weight exceeded 30 pounds." My answer to that is, you must have my affidavit and see that; here is my affidavit, and this is what I did say: "Deponent saith that he tried the said irons that had been rivetted on Sudds, on his own person, and as he, this deponent, believes, they weighed 30 lbs., and were of a singular and novel form, having projecting spikes of seven or eight inches in length, with an iron collar rivetted to the neck, from which collar heavy chains descended to the ancles, and were there attached to iron basils, that were in like manner rivetted to each leg, and connected by iron shackles extending from the legs to the feet." What I meant to say is, that I swear to my belief, and I do not swear to the fact; and I hope that this Committee will understand that with reference to that letter.

785. Having admitted that the quotation is incorrect, which appears as an extract from the minute of the Executive Council of Sydney, May 1829, which is appended to your pamphlet, and for which you have stated you hold yourself responsible, the Committee beg to call your attention to the great difference there is between "round bolt-iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 lbs. or 15 lbs. each;" the collar and those two projections are supposed to be 14 lbs. or 15 lbs. each, whereas upon the sworn evidence before the Executive Council, the weight of the whole of the irons was only 14 lb. 6 oz. By this statement, it appears that each spike weighs 14 lbs. or 15 lbs., so that you must have been aware that the effect of this quotation, as far as it was calculated to affect General Darling's conduct, was a most exaggerated statement?—I humbly conceive, that if you refer to my own description of those irons, where I refer to the frontispiece, the error must have been seen at once, because I say they consisted of so and so, and I give my description, and refer to the frontispiece; when you refer to the frontispiece you find a different description, and therefore I think it would have been seen that it was a mis-quotation, which was taken from a former pamphlet, of part of the evidence.

786. The explanation of the instruments of torture to which you allude, states that each spike attached to the collar upon Sudds and Thompson, which are there represented, weighed 14 lbs. or 15 lbs., and was from one foot to 18 inches long, whereas, according to your own statement, the length of the spike was only about eight inches. Is not the speaking of two spikes weighing 14 lbs. or 15 lbs. each, instead of being the small spike of seven inches long, which is the size given by those who made them, and who have sworn to them, calculated to give a most exaggerated and most prejudicial impression of those implements of torture, as you style them, against General Darling?—If you take the isolated fact, it would be so; but when you have the graphic description by myself in page 4, and then refer to the frontispiece as a general view of them, I do not think the impression could be as stated; the error must be seen at once.

787. At page 13 of 586, the Committee will read a minute of the Executive

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Council, which is as follows: "Mr. Gibbon states, that about the years 1793 or 1794, there were collar irons made by order of Lieutenant-governor Grose for women convicts; they were made of round bolt-iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 lb. or 15 lbs. each;" you have appended the latter part of that extract to the frontispiece of your book, for which you say you hold yourself responsible. What sense as to weight do you attach to those words; to what does the word "each" apply?—Collar-irons made by Governor Grose for women convicts; the word each means collar-irons, including the collar and the spikes.

788. It appears from the statement of Mr. Gibbon, that there were irons of this description; and there is in your letter addressed to the House of Commons, dated the 25th of June 1835, page 6, this passage: "I will venture upon one more instance of a similar mixture of truth and falsehood," as relating to General Darling. "In another part of his affidavit, General Darling swears as follows: 'The irons mentioned in the said pamphlet were, according to the best of this deponent's information and belief, such irons as had been previously made and used by order of Lieutenant-governor Grose, for punishing disorderly women convicts in the said colony.' You go on to say, "this is partially true, but substantially false; Grose was one of the first Governors after New South Wales became a convict colony, from 1792 to 1794. The behaviour of the convicts at that time was so desperate, that with a view to prevent burglarious entry, a heavy collar was imposed at night on the shoulders of the worst characters, so as to impede their passage, except through open doors; this occurred nearly half a century ago, and even then was intended merely for temporary restraint, and not for punishment. This explanation was given in my affidavit, in reply, but being rejected, it could not appear to the court." Upon the subject of that frontispiece, and of its being an extract applicable to the irons made by General Grose, and not those put upon Sudds, have you not committed an error rather than General Darling in that respect, bearing in mind that you have accused General Darling of a mixture of truth and falsehood?—It must be manifest on the face of this Parliamentary Paper, taking this Gibbon's evidence, that he is there referring to certain collars made by order of Governor Grose; now, if you will take the irons made by order of Governor Darling, you will find them of a totally different construction, that they have iron chains from the collar to the leg and basils, so that as to analogy between the one and the other, there was none whatever.

789. Does not General Darling state, "the irons mentioned in the said pamphlet," on the frontispiece, "were, according to the best of General Darling's belief, such irons as had been made use of by Lieutenant-governor Grose;" and it appears that they are the irons that were used by Lieutenant-governor Grose, according to the testimony of Gibbon, which erroneously is appended to this work. Now, as falsehood is imputed to General Darling upon this occasion, he having said that the extract from the minutes appended to this picture does not apply to the case of Sudds and Thompson, but does apply to the case of Lieutenant-governor Grose, is the falsehood attributed to General Darling, a falsehood that you still charge him with as regards those irons?—If I could understand that General Darling meant solely the irons of Governor Grose, in allusion to that, it must be manifest from that representation of them that they cannot be the same; there is no sort of analogy: those worn in Governor Grose's time were round the throat, to prevent women from going through doors or through windows, but those irons that are described in reference to Sudds and Thompson, were of a totally different description; therefore I should say, that if General Darling wished to convey the idea that those irons he had found in use, and had only copied them from Governor Grose's, I should be perfectly justified in making use of the expression that I do in my letter.

790. General Darling complains of your description: "The irons were made of round bolt-iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each. (Extract of minute of the Executive Council of Sydney, May 28, 1829,") as an extract from part of the evidence which related to the irons made in 1793 and 1794 under General Grose, and which does not apply to the irons made by him; and he complains, that the irons mentioned in the said pamphlet were, according to deponent's information and belief, such irons as had been made and used, by order of Lieutenant-governor Grose, for punishing disorderly women-convicts in the said colony. You have admitted that in this pamphlet to which he alludes, which is a libel against him by error, you have appended an improper

quotation

quotation to that frontispiece; and in June 1835, in a letter, dated from the King's Bench prison, you charge him with a mixture of truth and falsehood in that statement. After what has passed in this Committee-room, do you still adhere to charge General Darling with falsehood, as relates to that part of his statement with regard to those irons which were made for female convicts in General Grose's time?—No, I do not, not as far as relates to the account given by Gibbon; but I still adhere to what I formerly stated, that the irons put upon Sudds and Thompson were totally different from the description of the irons given by him. Those described by Gibbon relate to those in use in Grose's time, and those used in General Darling's time had the chains below, and therefore must be different.

791. You are aware that the description which has been issued to the world, which has been published under your sanction, of the sufferings of Sudds and Thompson, has a written quotation at the bottom?—Yes; and I admit that erroneous as applicable to Sudds and Thompson.

792. You are aware that General Darling complained of that written description being appended to the bottom of the picture which is published?—I am aware now that he does; I acknowledge it to be an error; it is a mis-quotation altogether.

793. Did General Darling ever complain of that quotation which is appended to the published description of Sudds and Thompson?—I understood that he complained of the whole. I never heard of this passage till to-day.

794. Did he not complain of that particular passage being appended to the description?—If the Committee will read where he complains of it, I will admit it.

795. Is it not in the pamphlet published by you?—Yes.

796. He swears as follows: "The irons mentioned in the said pamphlet were, according to the best of this deponent's information and belief, such irons as had been made and used by order of Lieutenant-governor Grose for punishing disorderly women-convicts in the said colony." You say this is partially true, but substantially false. Grose was one of the first Governors?—What I say as partially true, but substantially and partially false, is this, that it is partially true as to the upper part of the chains, but it was substantially false, because they were not the irons made by Governor Grose, because it leaves out all the lower chains and the rest of it; that was false.

797. You stated that this was the first time that you had heard of that being applicable to Lieutenant-governor Grose?—So it is; but I say here, that General Grose had ordered a sort of collar to prevent the women going through the windows; and I say this, if General Darling meant, what he evidently did mean, or what I thought he did mean, that he found those irons in the colony previously, and he refers to those that were made by Governor Grose, that it was not the fact, for that Governor Grose's irons were not the same that were put upon Sudds and Thompson; that part of it was substantially false, because all the rest of it besides that round the throat was left out, therefore it could not be anything like those that had been made by Governor Grose.

798. Does the extract which you have given at the bottom of that picture, as an explanation of it, erroneous as it is, convey an impression favourable to General Darling's case, or does it make the charge more severe?—Most decidedly it is an error against him.

799. How is that?—A mis-quotation.

800. But how is it an error against him if you charged the irons to which that extract alludes to be between 30 lbs. and 40 lbs., and the construction put upon this is 14 lbs. and 15 lbs.?—The error is this, it contained an extract from Mr. Gibbon's evidence of certain irons that were made in 1793 or 1794, by order of Governor Grose; those consisted of collars and spikes only; those made by Governor Darling consisted not only of collars and spikes, but with the addition of chains, and having manacles.

801. Taking that picture in your hand with the frontispiece before you, how do you consider that extract as applicable to the picture above?—I say it is erroneous, and does not refer to the picture above it.

802. What idea would be conveyed to you from reading this part: "the irons were made of round bolt-iron formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 lbs. or 15 lbs. each"?—That was against General Darling.

 803. What

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803. What is the construction which you would put upon that, as to the irons which were in the picture above it?—I would say that that was an unfair construction.

804. What do you mean to convey by the irons in the plate above, if believed?—The extract is an erroneous extract, and does not apply to those irons, and therefore I do not mean them to apply to it.

805. If you had been told nothing about the extract, what would you, taking up this and reading from the words "a specimen of the instrument of torture," understand?—Then I say as far as that goes, and taking my description in page 4, that would be a fair description, and the extract from the minute of Council is an erroneous extract.

806. What does the 14 or 15 pounds allude to?—That the collar and the spikes weighed that.

807. In this extract?—Yes, without the chains or basils.

808. That you would understand to be the meaning of that?—Yes; but I tell you it is quite erroneous.

809. What was the weight of the collar and spikes in the case of Sudds and Thompson?—I do not know, I took them altogether; this is erroneous.

810. How is this weight erroneous, if you do not know what the weight was?—I should not say that the bare collar and spikes put upon Sudds and Thompson weighed 14 or 15 pounds alone.

811. But so much as they were less, it would be prejudicial to General Darling?—Yes, I have said so.

812. Is the other statement which you have alluded to as made by General Darling, that the irons were similar to those ordered by General Grose, favourable to himself or adverse?—Most decidedly it is untrue.

813. Did you see the plate from which this was struck, before it was struck off?—No, I did not see it till it was brought to me; there was a previous one brought to me that had been published two years before, and I said publish just such another.

814. That was adopted by your directions?—Yes.

815. Is not the representation given in that plate entirely untrue?—No, not entirely; the quotation from the minutes of the Council is untrue.

816. Will you be good enough to look at the figure on the right-hand side; does not that convey the impression, that the chains between the basils and the collar were much too short?—Yes; but in my description I say, "they consisted of an iron collar, like a stock round the neck, with spikes about half a foot in length, projecting therefrom before and behind; chains also communicating from each side of the iron collar to heavy leg chains, fitted with iron rings round the ancles. The iron collar was rivetted round the throat."—(*See* Frontispiece.) There was my description of what I had examined and meant to represent in the frontispiece, therefore the general representation is correct; but if I am asked the isolated question, Was that chain so short as it is represented? I say not, but it is only that particular branch of it. As a general representation, it conveys the meaning that I gave.

817. Does not that right-hand figure convey the impression against General Darling, which impression was without foundation, as far as the length of the chains goes?—Yes, it does.

818. Very materially; do the chains appear upon the stretch as the man lies?—No, the man has got his arm under him.

819. Does not the chain appear upon the stretch?—Yes, to a certain extent it does.

820. Is not the figure bent by the knees being bent?—Yes, but the spike is against the wall; I have said that that is too short, but the general representation is perfectly correct.

821. If you admit that this conveys an impression improperly against General Darling as to the length of the chain, why did you not have that altered when you had the plate re-published?—Because it was to give a general representation of what the irons were; I did not go into minutiæ; and I venture to say, that any honourable member of this Committee, having them and seeing them on, could not have given a more accurate representation.

822. Could you not have drawn the chains on the right-hand figure for that purpose, so as to convey an idea that the man was lying without difficulty?—I might have erred on the other side again; I saw the resemblance in the general way,

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way, and I said as a general representation, that was the best representation of it.

823. Have you not stated that you are three inches taller than Sudds?—Yes.

824. Have you not stated that you could stand upright in them?—Yes, but lying down I could not.

825. Does this not give an idea as if Sudds could not stand upright?—No, I think not; because the intention in the right-hand figure was, to show that the man might have the chains on him, but when he was lying down he could not lie straight.

Martis, 25° die Augusti, 1835.

WILLIAM TOOKE, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, again called in; and further Examined.

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826. WILL you look at the frontispiece of your pamphlet; you see the length of the spikes on the figure that is lying down on the right hand side of the picture, are those spikes a correct representation of the spikes upon Sudds' or Thompson's chains?—As near as I could make them so.

827. Do you mean to say that the spikes upon Sudds' and Thompson's chains were any thing like that length?—Yes, I mean to say that they were.

828. Are not those spikes said to be in the quotation from a foot to 18 inches long?—Yes, but then that was an erroneous quotation.

829. Are not those spikes, with reference to the figures, of the length of from a foot to 18 inches in the picture?—Really, unless I have a rule to measure it with, I am not so nice in that as to tell; they are merely a representation of the irons such as Sudds and Thompson wore; whether they are critically or accurately according to perspective and so on, I cannot tell.

830. Take the hand represented in the picture, and carry the proportion of the hand to the spike round the neck, and then say whether that is not calculated to convey the length of from a foot to 18 inches?—The spikes by measuring the hand, as it appears here, certainly appear to be full a foot in length.

831. Is it not more than a foot in length?—I am measuring it by the arm, as I have it here, supposing the arm to be two feet.

832. Look at the length of the chains; would they not to the casual observer of that picture represent chains much shorter than the chains really put on Sudds and Thompson?—I really do not think so.

833. You observe that those chains are at the full stretch as represented in the picture?—One is perfectly long enough, but the one in the recumbent posture appears to be at the full stretch; I will at once say that it does convey the impression that the irons are short for this recumbent figure.

834. At the time you adopted that quotation and picture, did you know that that quotation applied to Governor Grose's irons?—Most assuredly I did not know; I never knew till it was pointed out to me yesterday the inaccuracy of this quotation; it was taken from a pamphlet published two years before.

835. Did you know at the time that you adopted the quotation that the spikes were too long?—No, I did not.

836. Did you know at the time that you adopted that quotation that the chains were too short?—No, I adopted the picture generally.

837. Without taking notice whether it contained a correct representation, or an incorrect representation?—I took it from a pamphlet that was published two years previously, representing the same chains.

838. And you did not give yourself the trouble to ascertain whether the picture gave a correct representation, or whether the quotation appended to that picture was correct?—I took the trouble to ascertain that the general impression of the irons was perfectly correct, but if you criticize them as they appear here, and go into the minutiæ of the position in which they are placed, that is another thing; the general impression which they are intended to convey is correct.

839. Without

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839. Without reference to your *vivâ voce* explanation, are not that picture and that quotation calculated to produce an incorrect impression upon the mind of the public?—Taking it as a whole, I do not think that it is.

840. Will you take notice that the first quotation begins "Specimen of the instrument of torture inflicted upon the persons of Joseph Sudds and Patrick Thompson." Then the other quotation in Roman letters begins "The irons were made of round bolt iron;" and so goes on; and at the end of that is added, "Minute of the Executive Council at Sydney, May 28th, 1829;" you observe that?—I do.

841. Taking those circumstances together, must not the impression on the public be that that description in Roman letters was admitted in the minute of the Executive Council at Sydney to be a correct representation of the irons placed on Sudds and Patrick Thompson, you having headed that quotation with the words "Specimen of the instrument of torture?"—I before stated that it is an erroneous quotation.

842. Would not that give a wrong impression to the public?—Yes, an erroneous quotation would, of course.

843. The Committee find that in the letter-press of your pamphlet, at page 4, where you give what you state to be a correct representation of the irons, you refer thence to the frontispiece, that is so, is it not?—Yes.

844. The Committee find that in the frontispiece, which you admit to be an incorrect representation, there is no reference to the letter-press where you allege it to be a correct representation?—Yes, but it is manifest at the same time that if any body wanted to ascertain what the nature of those irons was, they would not only look at the picture, but read the account of them.

845. But you admit that there is no reference from the frontispiece to the letter-press?—No, there is not; but there is to the letter-press to the frontispiece.

846. So that when you say there is a correct description in the letter-press, you refer as a corrective to the frontispiece, and where there is an incorrect representation in the frontispiece, you do not refer as a corrective to the correct representation in the letter-press?—The pamphlet speaks for itself.

847. But the frontispiece does not speak for itself?—The frontispiece is described at page 4 in the pamphlet to which it refers.

848. Any individual looking at the frontispiece, and reading the extract there inserted on it as being a Minute of the Executive Council at Sydney, would suppose that to be an authentic extract from the Minute of the Council, and that the instrument of torture, as it is termed, was correctly quoted by you who published this picture?—Yes, but if they were to read the Minute of Council, they would very soon have seen the error.

849. But is the real Minute of Council given in this pamphlet of yours?—It is referred to.

850. Where?—"The Minute of the Executive Council, Sydney, May 28th, 1829."

851. Where is the real Minute of the Executive Council?—It is referred to.

852. How is a reader, not being a Member of Parliament, reading your pamphlet of those transactions, to obtain a correct extract of the Minute of Council in the Parliamentary papers, when your pamphlet does not give the correct extract of the Minute of Council, but quotes an erroneous extract of the Minute of council, which does not apply to the case of Sudds and Thompson?—If you would refer to page 5 of the same book, you will find the following words: "The further particulars of which," that is, connected with Sudds and Thompson's case, "will be found on reference to the Parliamentary proceedings and papers of the 8th of July 1828, No. 586; the 1st of July 1830, and No. 620 of the 20th of July 1832."

853. Is it likely that the public, who see this pamphlet exhibited in a window, or who may purchase it and read it through, can, from that reference to Parliamentary papers, obtain from your pamphlet, without having access to those Parliamentary papers, a correct extract from the Minute of Council?—They cannot, without having reference to the Parliamentary papers.

854. Then there is a decided error in your extract of the Minute of Council appended to this picture, and in the pamphlet itself there is no means of applying from the true Minute of the Council, as regards the case of Sudds and Thompson, any corrective of that mistake?—I cannot say that, when I do give reference to Parliamentary papers.

855. In arranging this pamphlet, which you could not have done inadvertently, what is your reason for quoting the description of General Grose's irons upon the frontispiece,

frontispiece, instead of taking the description you had given yourself in the body of the pamphlet?—I have already stated, that two years previously to the publication of this pamphlet, there had been a pamphlet published upon the very same subject, with a frontispiece almost similar to it, which appeared to me to be a correct representation. I never doubted that the extract taken from the Minute of Council was correct, and never knew it till yesterday, when it was pointed out to me by the Committee, and in taking those papers over to the printer, the first part was written by myself, the other part was merely extract from the New South Wales papers, which were taken and handed over to the printer, and this pamphlet, published two years before, was given to the printer at the same time, as a specimen to place upon the pamphlet of mine.

856. Consequently, the quotation upon the frontispiece was placed there inadvertently by you?—Taken from that, not doubting that it was correct.

857. But it was not till yesterday that you were aware of the inaccuracy of this?—It was not; if I had been, I should not have quoted it.

858. You now are of opinion that the statement contained, and the description therein given, was calculated to give an erroneous impression of the description of the irons, and was calculated to injure General Darling?—Yes.

859. In answer to a question, whether or not the words affixed to the engraving in front of your pamphlet, which words were quoted as a Minute of the Executive Council of Sydney, May 28th, 1829, were correct, you admitted yesterday, and have again admitted to-day, that that quotation was an erroneous quotation; do you mean that the Committee should thereby understand that you admit that no such Minute of Council was made at Sydney, May 28th, 1829?—I admit that there is an error in the date; there is no such Minute made on the 28th of May 1829, but there is a similar Minute on the 21st of May 1829.

860. Do you admit that the following is an accurate report of the real Minute in Council, made at Sydney, May the 6th, 1829, on the subject of the charge of Sudds and Thompson: "Weight, 13 lbs. 12½ oz.; dimensions, collar and circle of five inches and three-eighths; diameter in the clear, two projections, six and a quarter inches long; square at the extremities, made of iron, one-eighth of an inch thick, and one-fourth of an inch broad; length of the two chains, from the collar to the basils, four feet six inches; links, formed of rod iron, one-eighth of an inch in diameter; basils, three inches seven-eighths diameter in the clear, made of iron two inches and a quarter broad, one-eighth of an inch thick; two links, connecting the basils, including the rings, two feet nine inches long, and half an inch thick?"—Yes, as far as the first set, but the second set differs upon the same Minute.

861. Do you further admit that the words you have quoted under the frontispiece did not and do not refer to the chains of Sudds and Thompson, but to the evidence of Mr. Gibbon on the subject of certain chains made in 1793 and 1794 by order of Lieutenant-general Grose?—They do refer to the evidence of Gibbon, being an extract from the Minute of the Executive Council, page 19 of the Parliamentary paper, 586.

862. Was the error in that quotation on the frontispiece made by you, or by the person who published the original pamphlet?—By the person who published the original pamphlet.

863. Had you any thing to do with that?—Nothing. I am now speaking of the Minute of Council. I am now asked had I any thing to do with this Minute of Council; for if I had been consulted I should never have put in an erroneous quotation.

864. Were you at all aware that this quotation was erroneous previously to yesterday?—Certainly not.

865. Were you consulted about the pamphlet published in 1832, and signed "Miles?"—Yes. There was at that period an attack made upon the editor of the Morning Chronicle by a brother of General Darling's, and I thought it necessary, as far as lay in my power, to have the whole connected with the subject brought fairly before the public.

866. Was that pamphlet published with your knowledge or privity?—Yes.

867. Who was the author of that pamphlet, to the best of your knowledge?—I should say that it was made up by many; that there was not one author alone, but two or three in it.

868. Did you write any part of it?—No.

869. Did you supervise or revise any part of it?—I gave the materials; I have

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no hesitation in saying that it was by my desire that this pamphlet was brought before the public.

870. And that you knew of it before it was published?—As soon as this attack upon the Morning Chronicle appeared in the papers, a person came to me and asked to look at the whole of the papers connected with it, who was then employed (as I understood) by the Morning Chronicle. I gave him the whole of the papers, the Parliamentary papers and others connected with it. He wrote the pamphlet, and, as I understood, gave publicity to it.

871. Did you see that pamphlet before it was published?—I saw it as soon as it was printed.

872. Did you see it in manuscript?—No, I saw part of it in manuscript, for it was partly taken from the Parliamentary papers.

873. Did you see the proof sheets?—I had not any thing to do with the proof sheets, which were read, part of them to me, by the individual. Some of the proof sheets were seen by me because I gave the materials for it.

874. Then you had read some of the proof sheets before they were published?—Some of them were read to me.

875. Did you see the pamphlet generally before it was published?—No, I cannot say that I saw it till it was in print.

876. Before it was published?—Not the whole of it.

877. Did you see it in manuscript or in print before it was issued into circulation?—I saw it just as soon as it was out in print.

878. And before it was issued into general circulation?—I think it was at the very same time that it was sent to the Ministers, when it came from the printer, by the person who wrote it that I got a copy of it.

879. Then you knew that it was in the course of composition and in the course of printing?—Yes.

880. You saw it the very first moment it was issued to any one?—Yes.

881. Did you at that time see that frontispiece to it?—Yes, I think I did.

882. Did you see that frontispiece before it was issued for circulation?—I saw it as soon as it was printed. I cannot say whether it might not have been sent to the Ministers before I saw it; but to the best of my recollection it was the very same day that it came from the press.

883. Did you see that frontispiece, or give any directions for drawing that frontispiece, or were you consulted upon drawing that frontispiece previously to the pamphlet being put into circulation?—Yes.

884. Did you not reply yesterday, when this question was put to you—"By whom was that pamphlet written?—I cannot positively state, not by myself." That question being put to you yesterday, must not the impression have been that you had nothing to say to the pamphlet of 1832 or to the graphic representation which is the same in the pamphlet of 1832 as it is in the pamphlet of 1833; and did you not attribute the mistake of 1833 to some unknown publication in the course of the year 1833?—No, I attributed the print to the former publication to this very publication, but not an unknown publication most assuredly, when I said that I did not know who the composer of the whole of this was. I am perfectly satisfied I gave a correct answer; for the man, to the best of my recollection, who wrote the thing was connected with the Morning Chronicle newspaper, and I have no doubt had consulted various people; so that I should not be justified in saying that it was one individual alone who wrote it.

885. But you have stated to the Committee this morning that you had furnished the materials?—Yes, and so I did, as far as the Parliamentary papers, and generally.

886. And you knew of that frontispiece as a part of the publication previously to its circulation?—On the same day it was circulated I saw this frontispiece.

887. Had you never seen that frontispiece before it was published, or any drawing of that frontispiece or sketch?—To the best of my recollection there was this wood-cut brought down to me; and at the time the pamphlet was ready for printing, the wood-cut was struck off on a piece of paper, to the best of my recollection, and brought down to me before there was any quotation or any thing else on it.

888. Then the pamphlet of 1832 is not entirely free, from its being, in the materials at least, furnished to the person who published it, your production?—They are chiefly those that I published from the Parliamentary papers; the argumentative part was drawn up by a person connected with the Morning Chronicle.

889. In

889. In preparing the latter pamphlet, did you refer to the former one?—No further, to the best of my recollection, than the frontispiece.

890. But you, in preparing the latter pamphlet, then referred to the frontispiece of the former one?—I took that as a copy for this.

891. Does it not appear extraordinary in making that reference, that the discrepancy that certainly exists in the description of the irons, did not strike you at the time?—It did not, because if those irons were shown to any body that witnessed them, I have no doubt that they would say that they were a correct representation of the irons generally.

892. But the description that is there given cannot be a correct description of the irons, when you consider what your own description is; the description upon the frontispiece is different from that description which you have given?—As far as the letter-press is concerned it is.

893. Is it not extraordinary that you should have overlooked that description when you were examining the frontispiece, and more particularly when you have yourself, in the body of the pamphlet, given a perfectly different description of the irons?—I do not know that I have given a perfectly different description of the irons.

894. Is there not a great difference between the quotation on the frontispiece and your description?—Certainly, in the quotation; but as there may be a contradiction between the answers given by me, I state once for all, that the general representation here given, and which was the only intention that I had in doing so, was a generally correct representation, to convey an idea of what the irons were; in that letter-press there does appear an erroneous extract from the Minutes of Council.

895. Did you make a sketch of that frontispiece?—No, I did not, it was submitted to me first; I have already stated that, to the best of my recollection, a piece of paper was brought to me without any writing whatever, and they said, "Is that like it, after being struck off the wood-cut?" and I said, "Yes."

896. Had you made a sketch of that previously?—No, I described it.

897. Who made the sketch?—I cannot say that; I suppose it was the man who cut out the wood.

898. There must have been some original sketch?—I did not make it, but if I had to make it, I have no hesitation in saying that I should have made it something of that kind, to convey an idea of the irons.

899. You gave the description upon which that drawing was made?—It was taken from the Parliamentary papers.

900. That drawing was submitted to you, to ascertain whether it was correct before it was issued, and you said "Yes?"—As a general impression it was.

901. But the original print that we have been discussing, as upon this frontispiece, was prepared by your order?—Yes.

902. The cut for the pamphlet of 1832 was prepared under your directions and from your description, and was submitted to you to see whether it was correct; and the proof sheets or some of them were submitted to you previously to publication?—No, the wood-cut of the pamphlet of 1832 was taken partly from my description and partly from the printed papers of the House of Commons.

903. The proof sheets were submitted to you previously to publication?—The proof sheets were not.

904. Some of them were, were they not?—The wood-cut was shown to me.

905. The proof sheets of some part of the pamphlet were submitted to you?—Not to my recollection; I stated that the wood-cut was brought to me on a paper.

906. Were none of the proof sheets of the pamphlet of 1832 ever submitted to you before the publication?—The impression is some time ago; but I father that pamphlet; it was at my desire that pamphlet was printed, and I take the responsibility of it upon myself; I cannot bring my recollection to the positive facts, but I gave to this individual gentleman (in consequence of the fracas which had been between General Darling and Mr. Black, the editor of the Morning Chronicle,) who was connected with the Morning Chronicle at the time, at least so he told me, the Parliamentary papers connected with it; he himself, to my knowledge, had written articles in the Chronicle upon the subject; and, having given him the materials, he drew up the pamphlet by my directions, as a correct statement of the facts connected with Mr. Black and General Darling, as connected with this case of Sudds and Thompson; I recollect the wood-cut being brought to me, not with any writing, but barely by itself; and I was asked, "Is that like it;" and I said, "Yes;"

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but if I am asked, were the proof sheets brought to me for correction, I do not at this period of time recollect that they were; I rather think not, because they were brought by the party who undertook to reply to it.

907. Do the Committee understand from you, that you adopt the cut of the pamphlet of 1832 as yours?—It was by my direction; the general impression was first struck off and brought to me, and when I was asked whether it was a correct representation of the irons that Sudds and Thompson wore, as a general impression, I said yes, that was the sort of irons.

908. The Committee beg to have a distinct answer to the preceding question—[*the previous question was read.*]—I cannot understand that it was mine when it was not I who did it; it was by my directions it was done.

909. Do you adopt it?—It was by my directions.

910. Did you at any time see the quotation at the foot of that cut before it was issued for publication?—To the best of my recollection, I did not see the pamphlet till it was ready for publication.

911. Did you see that letter-press which is at the foot of that frontispiece before it was issued for publication?—I really forget.

912. Who put that extract of the Minute of Council at the foot of this cut in the pamphlet of 1832?—The person who wrote the pamphlet.

913. But that person wrote the pamphlet from materials furnished by you and under your direction?—And in reply to the correspondents.

914. This pamphlet of 1832 was printed and published by D. Gill, Fetter-lane, Fleet-street?—I do not know the individual's name, but it was some person about Fetter-lane, to the best of my recollection, near Temple-bar.

915. What is the name, upon the title-page, of the publisher?—Gill.

916. Were you ever in the shop with that person, giving any directions or receiving any account of the publication or sale of this pamphlet?—I have no doubt that I have been in the shop of the person who printed this pamphlet.

917. If you did not see that letter-press appended to the frontispiece before the publication of the pamphlet, were you aware before the publication that that extract was to be appended to the frontispiece in 1832?—I was aware that there was an extract from the Parliamentary papers attached to it.

918. Were you aware that that particular extract was to be appended to it?—No, I cannot say that I was, because my attention was never called to that particular extract to show my error in it till yesterday, otherwise I would not have allowed this; I would not have taken an erroneous extract, which reference to the papers would at once show to be erroneous.

919. You stated that you were not aware that it was erroneous till yesterday; but were you aware that that extract was to be appended to the pamphlet of 1832?—Not this extract; my recollection serves me that there was to be some paper taken from the papers that I gave as an extract; but to the best of my recollection, I think that this very thing was altered; that there was some of the impressions struck off altogether or altered in some way; but it is some time ago now, and therefore it is only as a general impression; I cannot bring my mind to recollect with minuteness.

920. In some of those published in 1832 that extract was omitted, and in some it was included?—I do not know, this extract in particular.

921. But there was some correction in 1832 of the extract alluded to?—I think there was some alteration in those extracts.

922. You do not remember the nature of those alterations?—No, I do not.

923. If an action had been brought in the Court of King's Bench against the author of the pamphlet, dated 1832, on whom would the responsibility fall?—Decidedly on the person who composed the pamphlet; and I shall go further, and state, that if that individual had come to me, and I had the means of doing so, I should certainly assist in covering his expenses, but he took the risk upon himself, because he was writing to defend Mr. Black, of the Morning Chronicle.

924. Are you a draftsman?—No, I am not.

925. Were you educated at a military college?—I know what drawing means, but I am not a draftsman.

926. As you understand the principles of drawing, could this man, if he attempted to rise, stand upright?—That is a mere matter of opinion; when these things were given, and the impression to be struck off them, one of the chains was too short, and I think I recollect the fact of telling him, "Now you will see that one set of these irons was so short that the man was obliged to break them, that he could not lie down properly

properly without breaking them;" there was one set perfectly large enough, and one very small, and I said one of the sets was compelled to be broken, from being too short, and the other was larger; that was from the Parliamentary papers, and if any body will look at that paper, they will see that one set is represented perfectly long, and the other set was contracted, because one of the sets was obliged by Sudds or Thompson to be broken.

927. Did not this drawing convey to the person who looked at it, that one was so short that the person could not stand upright?—That was the impression from the Parliamentary papers.

928. Then not only was the frontispiece submitted to you to see whether it was correct; not only was it drawn under your directions, but the chains in the first instance being represented in your opinion as too long, you directed those chains to be shortened?—I did not in the way that is put; I have stated as clearly as man can possibly state, that in the printed paper taken from the Parliamentary paper, one set of irons is stated by one of them, and I think Thompson, to be too short for him, and that he was obliged to break it; I called the individual's attention who wrote this pamphlet, and drew up the engraving to represent those chains, to that part of the Parliamentary paper which stated the fact that one of the sets of irons was too short, and that they were obliged to be broken, that the man could not lie at ease, and this wood-cut was a general representation of that fact.

929. Are you aware that the spikes which are here represented as being pointed, were in fact blunt, those which you tried on at Emu Plains?—They were not spikes; they had blunt points.

930. Then the representation of their being spikes, as in the picture, is not correct?—Yes, a spike is a spike, though it is blunt.

931. Are they not rather to be called bars blunt at the end, than spikes with a sharp point as described in your picture?—There may be five hundred different ways of giving a description of the same thing, and I think my way of describing it is as accurate as I can give a description, that they were protruding from the neck; I made use of the words "with spikes projecting;" a spike is a spike, though it is not pointed.

932. You refer from that letter-press to the frontispiece to explain what you mean, and the spike in the frontispiece is a very sharp-pointed spike, is it not?—Yes, it appears so.

933. In reference to your picture and to your graphic description at page 4, in which you call them spikes, and as you state that the description has been taken from the Parliamentary papers, the Committee refer you to page 9 of the paper 586, where the two projections are stated to be "six and a quarter inches long, square at the extremities, made of iron one-eighth of an inch thick, and one quarter of an inch broad;" do the description in the cut and the graphic description at page 4 correspond with the Parliamentary description from which you profess to have taken your account?—It appears in the wood-cut that represents this that the spikes at the end were too sharp.

934. Who was the first person that originated the pamphlet of 1832; the Committee understood you to say that you sent the Parliamentary papers to a gentleman connected with the Morning Chronicle who took it up?—When I came to this country from New South Wales in 1830, a printed paper was put into my hands, a lithographic drawing representing Sudds and Thompson in irons, and now I recollect that was the first I saw of it, and I can bring that very one; the last I saw of it was in Mr. Hume's house, with the poetry underneath; this is it; that was drawn before I came to this country.

[*The Witness produced the Engraving.*]

935. This was drawn without any privity of yours?—It was drawn before I came home.

936. Was it shown to you before the pamphlet was directed to be published?—Yes.

937. Did the notion of publishing this pamphlet of 1832 originate with you, or with a gentleman connected with the Morning Chronicle Office, to whom you sent the Parliamentary papers?—It originated decidedly with him, and, if the Committee wish me, I could go on and say how it did. After taking these papers and reading them, he said, "What a pity it is that these papers are not before the public; if you will give me the papers I will make it out for myself; here is one of the grossest pieces of deception that was ever practised upon man," with reference to the Parliamentary papers; and if I have the other paper, I will state to the Committee

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mittee what he said. During the period that Sir George Murray was at the head of the department, the letter of impeachment was ordered to be printed by the House of Commons; it was printed before I arrived from New South Wales in this country; it was shown to me almost immediately on my arrival. The remark that I made was, "This is an untrue and garbled statement of Mr. Wentworth's letter of impeachment;" and so strong was this confirmed on the mind of the individual who wrote that pamphlet, that he said, "I will write such a pamphlet as will force the Colonial Minister to do justice, and to put the whole document on the table, not a mutilated document, as it is in this paper, marked 586, commencing page 30." The consequence was, that on the publication of that pamphlet of 1832, the Colonial Minister saw it, and was so convinced of the gross injustice and partiality manifested by leaving out the most material part of the letter of impeachment, that on an honourable Member moving for the whole letter, there was no defence set up to prevent it, and immediately the whole letter was ordered to be printed by the House of Commons; and if the Committee will compare the first letter of impeachment that was printed by order of the House of Commons, that is, paper marked 586, with paper 620, the description that I am now giving will be manifest to the Committee; and that was one of the fruits of the publication, and reasons for publishing that pamphlet of 1832.

938. You stated that this lithographic print, the original, was shown to you on your first arrival in this country?—Yes, it was after my arrival in this country, and before this pamphlet was published.

939. Is that the original representation?—That was the one that I allude to.

940. This drawing represents one single figure standing upright?—Yes.

941. The chains do not appear in any way to prevent his standing upright?—No.

942. The spikes to the collar, instead of being upon the scale in the pamphlet of 1832 and 1834, one foot and upwards in length, do not appear, in proportion to the figure, to have been six inches long?—They appear shorter; I cannot speak to two inches.

943. Do they appear to be above the length of the other?—No, not as represented there.

944. Then, for some reason or other, this being according to the description contained in the Minute of Council, a correct representation of the chains, that correct representation was departed from in that frontispiece to the pamphlet of 1832, and this incorrect representation was given?—It was not.

945. Will you explain it?—The exact representation was two figures, and not one, as given in the first one.

946. But the correct representation of the irons of one figure is contained in the lithographic print which was shown to you on your first arrival in this country?—Yes.

947. Does that representation of that standing figure agree with the representation in the frontispiece of your pamphlet of 1833, of the standing figure there contained, having reference to the length of the chains and the length of the spikes, and the size of the chains; is there not a manifest discrepancy?—The spikes appear to be heavier and longer.

948. And the size and bulk of the chains?—No, I should not say the size and bulk of the chains.

949. The Committee are speaking of the single upright figure?—The description of the chains is the same, with the exception of the spikes being longer about the neck; and as to the description of the chain, one chain, the chain in the red book appears a stronger chain than that of the lithographic.

950. A larger and a heavier chain?—Yes.

951. And does it not appear in the red book that the standing figure being more shortened, the knees are bent, and the body is bent at the waist as if the chains were too short?—I see no difference between the two figures.

952. The Committee draw your attention to the knees and bend of the figure in the red book and the ground; is there not a marked and palpable difference between the two?—I do not see a marked and palpable difference.

953. Is there not a difference?—In the lithographic drawing that is here, and the pamphlet that is published by me, they both represent the man that is standing up, and the irons are long enough; the position of the man may be a little more bent in the one than the other; but the general representation of the man standing up is the same.

954. Then the figure is more bent in the red pamphlet than it is in the lithographic

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phic print; there is more bending at the knees?—I cannot see it really, one is, as a general representation, a lighter figure standing up than the other.

955. Is not the figure in the lithographic print standing bolt upright?—Yes, and so is the other.

956. Will you look at the other, drawing your attention to the knees, and recollecting that it is a full figure,—you are asked whether (you knowing somewhat of the principles of drawing) the figure is not represented as standing upright?—I think it is represented fairly as a standing-up figure, and I put it to any one whether it is not.

957. If you look at the standing-up figure in the red book, will you state whether you consider that the chains of that figure are drawn quite tight or not?—They appear to be.

958. How many editions were there of this pamphlet,—one in 1832, and one in 1833, and one in 1834?—No, they were all printed off at one time.

959. But with different dates upon them?—No.

960. The print, and the graphic description of the print in 1832, has poetry underneath it, has it not—"Oh, my country, for mercy and valour renown'd?"—Some of them have, and I am not positive whether the poetry was not struck out of some.

961. From the copy produced in the Committee?—It has, but other copies, I think, have not.

962. It has also the extract, stated to be a Minute from the Executive Council of Sydney, May the 28th, 1829?—Yes.

963. The wood-cut of 1833 corresponds exactly in the picture, and corresponds in the quotation from the extract of the Minutes of Council, but has not the poetry appended to the frontispiece of 1832; it has, however, this quotation in lieu of the poetry: "Specimen of the instrument of torture inflicted on the persons of Joseph Sudds and Patrick Thompson, soldiers in the 57th regiment, by order of Governor Darling, at Sydney, New South Wales." As far as the wording, appended to the cut, is in question, is not that the difference between the frontispiece of 1832 and that of 1833?—In some of the frontispieces in 1832 I have seen the words different, but I have never seen any difference in the engraving, but I have seen a difference in the heading, commencing with "Specimen of the manner of punishment."

964. In that very one which you hold in your hand, of 1832, are not those verses omitted?—Yes, those are omitted.

965. Are those words, "Specimen of the instrument of torture," included in that one of 1832?—This is only one single sheet.

966. In the pamphlet of 1833 there is a passage in italics: "*Specimen of the instrument of torture inflicted*," &c.; is that passage included in either of the frontispieces of 1832?—It is, only it is differently worded, as it says, "Specimen of the manner of punishment inflicted on the persons;" here is a totally different one again, in 1832, General Darling's refutation.

967. But, in 1833, those words, "Specimen of the instrument of torture," immediately and directly precede the erroneous quotation from the Minute of Council, but they do not so immediately precede it in 1832?—They are differently worded.

968. From what was that fly-leaf struck off?—I have no idea, further than to give a general idea of the nature of the punishment.

969. Do you know by whose order it was struck off?—I think it was struck off at the same time as the pamphlet in 1832.

970. Was that struck off to be circulated independently of any letter-press?—I cannot recollect; I think I said, let me have some of the frontispieces on the pamphlet, in case any one should wish to see what the nature of the punishment is.

971. Independently of the letter-press?—Yes.

972. Affording, therefore, no opportunity of reading the letter-press?—I think there were a few of those struck off.

973. Then the erroneous quotation from the Minutes of Council appended to that cut, without your graphic description at page 4, was circulated by itself, without any means of correcting that erroneous impression?—I am not aware of their being circulated by themselves; I have no doubt that I have shown them. If I had them, and if I was asked what sort of things were those irons, I would show them, and say, there they are as you will find them in the Parliamentary papers.

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974. But if you were to be informed that they had been circulated by themselves without any written part of the pamphlet appended to them, you could have no difficulty with respect to that frontispiece, erroneous as it is in the description of that figure, as being a quotation from the Minutes of the Council in giving an answer to that question?—None.

975. Was Mr. John Stephen in this country in 1832?—Yes.

976. Was he concerned in drawing up that pamphlet?—I think he was, to the best of my recollection.

977. Who moved for those papers in 1832?—It was Mr. Hunt.

978. Did Mr. Stephen see those papers, and did he distribute any of those papers in 1832?—Yes, he did; I have reason to believe so.

979. Did you receive any of them from him?—Yes, I had a bundle from him.

980. Was it before the motion or after the motion, when Mr. Stephen was leaving the country in the fall of that year?—I forget at this moment, but I think it was after.

981. Is it or is it not the fact that it was Mr. John Stephen that caused these fly leaves to be struck off for circulation among Members of Parliament?—To the best of my recollection, he ordered some of them, and I think I ordered some too; I know that he did.

982. Was his the first suggestion?—Yes, to the best of my recollection it was.

983. Do you know of his distributing any to any Members?—Yes, I have seen him distribute the pamphlet, and I have no reason to doubt that he did distribute them.

984. Do you know of his having given Mr. Maurice O'Connell copies of that?—Yes, I think I recollect his having done so on three or four occasions.

985. Were you in the lobby of the House on the night that Mr. Hunt brought forward his motion?—I think I was.

986. Was Mr. Stephen in the lobby on that occasion?—Yes.

987. Did he circulate them?—He handed them round, to the best of my recollection.

988. Then this was struck off by him with reference to Mr. Hunt's motion?—Yes, and some of them were sent to me.

989. Were any of them struck off by your direction?—Whether they were struck off by my direction or not, I know that I got some of them; but whether it was Mr. Stephen that gave them to me, or whether it was by my direction, the circumstance of Mr. Stephen and Mr. Hunt being brought to my recollection, I think it was Mr. Stephen that gave me these, and I am trying to recollect whether it was he gave me the original bundle in 1832.

990. Who was meant to be represented by the signature "Miles?"—The man who wrote it.

991. Was it you who were meant to be represented?—No.

992. Was the person who wrote it a military officer?—Yes, he was; he had been, I suppose, so; I do not know positively this individual; I only know him as connected with the paper; there might have been half a dozen.

993. In the pamphlet of 1832, is there any thing to correct the misrepresentation contained in the frontispiece?—I do not know, unless it refers to the Parliamentary papers.

994. You describe this lithograph as having been first seen by you in Mr. Hume's house?—The last time I saw it I saw it in Mr. Hume's house, but I have a positive recollection of that being struck off before this 1832 pamphlet was.

995. This was not prepared by you or under your directions?—No; the last time I saw it I saw it in Mr. Hume's house and in Mr. O'Connell's house; but the last time it was brought to my recollection I saw it at Mr. Hume's; he sent me up there to get a number of papers connected with New South Wales.

996. When was that?—I have been in the habit, whenever I have wanted papers about New South Wales, to ask Mr. Hume, and he was kind enough to allow me to refer to them.

997. Was it since this Committee was formed?—Yes.

998. You had seen them before?—Yes, frequently.

999. When and where did you first see it?—To the best of my recollection, I saw it when I arrived from New South Wales; it was handed about the House of Commons in 1831.

1000. You saw it in Mr. Hume's house?—I saw it among the papers in Mr. Hume's house.

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1001. This was intended generally as a representation of the irons in which those two soldiers were placed?—Yes.

1002. Without any specification as to the figures?—Yes; because if I had drawn the figures, I should have drawn one of them very stout and bloated up, as I saw him.

1003. Thompson states that the irons which were put upon him were so short that he could neither stand upright nor lie at length, until he was obliged to break the chain for the purpose of doing so?—Yes, I had that in view.

1004. According to the statement, he, Thompson, could not lie at length or stand upright, but Sudds could?—Yes, according to that statement.

1005. He states, "On Saturday, the 25th of November, I broke the chain of my irons, in order to enable me to turn the collar and lie at ease. My chain remained broken till Monday morning, when Wilson took me to the lumber-yard, to get my irons removed and Sudds' put on. Sudds' irons were then put on me, the whole of them, collar and all?"—Yes.

1006. You say that that wood-cut was taken to represent generally the state of the men in those irons?—Yes.

1007. One set of those irons appears to be long enough to allow the man to stand upright, the other appears to be so short as not to allow the man to lie down or stand upright?—Yes.

1008. From whom was the idea of the engraving taken?—From the Parliamentary paper, the description of Thompson.

1009. Is Thompson's statement, in page 53 and 54, of 586, the one you refer to?—Yes.

1010. You have read that statement?—Yes.

1011. According to the statement there made of the irons, he saying that one set was too short and the other long enough, does that convey the idea for the engraving?—That was the order that I gave, when I told them to give a representation of the irons. I told them to make one according to the description that Thompson wore them, as he described one set was long and the other short.

1012. Is it not the very reverse of the Parliamentary description, as given in Thompson's deposition; for is not the figure that represents Sudds described as the figure that has chains too short to enable him to lie down? and does not Thompson in his deposition state that Sudds' chains were long enough, and enabled him to lie down and turn upon his side; does the description of that frontispiece enable Sudds to lie at full length?—I do not know which is Sudds. I might as well be asked whether they were good likenesses of them.

1013. Do not you mean that Sudds in that recumbent attitude represents the dying man?—I mean this, that I mean nothing more than what I stated before, I told them to make one set short and the other long. I should have described the recumbent body very differently, because the body of Sudds was swollen to that degree, that this does not give a representation of the body it was intended to give, a representation of the irons.

1014. Then you do not mean that the figure lying down or upright in that wood-cut represents Sudds more than it does Thompson, you who directed that wood-cut to be made?—To the best of my recollection, I am speaking of the orders that I gave, and I can only repeat what I said before, that one was to be represented with short irons and the other with long, as was represented by Thompson; and if this is pointed out to me, I should have drawn a different description of Sudds.

1015. The Committee would refer you to page 17, of the letter from the King's Bench, 25th of June 1835, in which you say, "that he, General Darling, did not venture to swear this in his affidavit; for he well knows that I have extracted the evidence in the Parliamentary papers verbatim, and fully." Will you have the goodness to turn to your affidavit, at page 28, and say whether you have given, verbatim and fully, the evidence of Thompson, or whether you have not left out that passage in Thompson's declaration relating to Sudds, which says that "he could lie at full length with his irons on, either on his back or his sides. Sudds did not complain of the irons being too short for him." Are those words in your affidavit, which you say to the Members of Parliament was given verbatim and fully?—My letter had reference to the transactions in the Court of King's Bench.

1016. It says that the affidavit made by you in the Court of King's Bench gives a full and verbatim account from the Parliamentary papers, that passage of Thompson's declaration, which describes Sudds as being able to lie at full length,

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and that he did not complain of the shortness of the chains; did you not omit that in your affidavit, and did not you in the next line afterwards take care to put into your affidavit, "but he did complain that the collar was too tight for his neck, and the basils too tight for his ancles." The Committee ask you again, whether you did not take care in this affidavit before the Court of King's Bench, which you state to be given verbatim and fully, to omit those passages of Thompson's declaration that made in favour of Sudds not being in that position of torture which you have described; and whether you did not, at the next line following those omissions, take care to say that he complained of the collar being too tight, and the basil being too tight for his ancles?—I mean to say, that in the letter addressed to the House of Commons it was totally impossible for me to give the whole affidavit, therefore I gave extracts.

1017. Were not those extracts given as taken from Thompson's declaration, those that were the most disadvantageous to the case of General Darling, omitting those which were in his favour?—No, I do not think so; because it has reference to the particular part of General Darling's affidavit, showing those parts which he had left unanswered.

1018. Is it not the fact that the words "I believe Sudds could lie at full length with his irons on, either on his back or sides. Sudds did not complain of the irons being too short for him," are omitted in your affidavit?—There are only certain parts of the Parliamentary papers quoted.

1019. The Committee ask you, specially, whether those words just read to you are not omitted in your affidavit—ay or no?—I do not know without going through the whole of them; those were drawn up by counsel and attornies.

1020. Do you believe that they are omitted?—I believe they are, if the Committee say so.

1021. Do not the next words, that "he complained that the collar was too tight for his neck," appear in the affidavit?—Yes.

1022. And the other words do not?—Yes.

1023. Is that affidavit of yours, then, as you state in your letter, a verbatim and full extract from the Parliamentary papers?—They could not be a full extract without being the whole of them.

1024. Of that part of it which relates to Sudds and Thompson, you profess in your letter that "he, General Darling, did not venture to swear this in his affidavit, for he well knows that I have extracted the evidence in the Parliamentary papers verbatim and fully?"—That was with reference to this.

1025. That was with reference to your affidavits, that your affidavits were so complete that General Darling did not dare to answer those parts; and yet when your affidavit is examined, it appears that you have omitted those parts which are favourable to the case of General Darling, and you have put in those parts which are calculated to make an impression against him?—The only answer that I can give, and it is a straightforward one, is, that these affidavits were drawn up by my professional advisers, and they, for reasons best known to themselves, put in and left out what they thought best.

1026. Did a professional man also draw up the pamphlet?—Yes.

1027. The same professional man?—Yes.

1028. Was your affidavit or General Darling's sworn first?—Mine.

1029. You were not allowed to put in any second affidavit?—No, the Court would not allow me; that mode of proceeding being indictment.

1030. Then, in any thing in General Darling's affidavit he might refer to what was in your affidavit, but you could not refer to any thing that was in General Darling's?—No, I was not allowed to put in a rejoinder.

1031. Being brought up for judgment, you put in certain affidavits in mitigation?—I put in certain affidavits in mitigation, which I sent copies of to General Darling months before. I was brought up on an understanding that he was to do the same.

1032. General Darling was permitted by the Court to answer those affidavits?—Yes.

1033. You afterwards published a pamphlet?—Yes.

1034. You have been asked on the subject of the contents of that pamphlet, and in that pamphlet you say that General Darling dared not answer a part of your affidavit, because he knew that you had fully stated, from the Parliamentary papers, all that related to the subject?—Yes.

1035. It does not depend upon your having a right to re-swear after General Darling

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Darling or not. The previous questions referred to the pamphlet published subsequently to your affidavit and General Darling's affidavit?—But in reply to another pamphlet of General Darling's. It was in reply to the private one which he circulated to my prejudice, which he calls the judgment of the Court of King's Bench.

1036. In your pamphlet you say that he could not venture to answer what you have stated, because you have, from the Parliamentary papers, stated verbatim and fully what was to be found there. In your letter to the House of Commons you assert that you have stated verbatim and fully from the Parliamentary papers. That does not depend upon your having a right to re-swear; but you are questioned as to the contents of that pamphlet. You state that you have extracted verbatim and fully the evidence upon that subject. Have you, in point of fact, in your affidavit stated the fact as it appears in the evidence of Thompson, that Sudds could lie at full length?—My affidavit, I can only say, as I did before, was drawn up by a professional man, and the affidavit will speak for itself: I believe that I have not, but why I have not must come in under the advice that I received.

1037. Then in stating in your pamphlet that you have verbatim and fully stated this, you did not know more whether you had done it or not?—I am under my legal adviser; and if my legal adviser draws up my affidavit, if I get into technicalities upon that, and you state there is so much stated and not the rest, I should fall back upon my professional adviser.

1038. But you afterwards published a pamphlet?—Yes, in reply to General Darling.

1039. Did you in fact then refer to the affidavit to see whether you had fully and verbatim stated the evidence?—I take for granted that it is not in it.

1040. This letter to the House of Commons of June 25th 1835, were you the author of it, or some professional man?—I am the author of it, because the whole matter is relating to me; but I did not write it, but it is made of material that I furnished.

1041. The words were not yours, but the matter is yours?—Yes.

1042. Is that letter prepared by a professional man?—Yes, a friend.

1043. There is this paragraph in the letter: "All this remains unnoticed and unanswered by General Darling, although every word of it is set out in my affidavit. But though General Darling feels it most prudent to avoid all notice of these extracts from the Parliamentary evidence in detail, he attempts to dispose of them wholesale, in a very convenient way, by saying in the 10th page of his pamphlet, that I have given garbled extracts." The passage that has been read before immediately follows: that "he did not venture to swear this in his affidavit, for he well knows that I have extracted the evidence from Parliamentary papers verbatim and fully." Is that a correct quotation from your letter?—Yes.

1044. Then General Darling in his statement having accused you of garbled extracts in your affidavit, you positively deny that, and say that you have extracted the evidence in Parliamentary papers verbatim and fully. Is that so?—If it is so, it is.

1045. Do not you admit that in your affidavit the passage which was before cited to you was omitted, "I believe Sudds could lie at full length with his irons on, either on his back or sides, and Sudds did not complain of the irons being too short for him?"—If it is not in my affidavit, it is omitted.

1046. Is, then, General Darling's a very incorrect representation of the fact, when he says that you gave garbled extracts?—I charge him with garbled extracts, and he charges me with it.

1047. He states that you have given garbled extracts, and you say that you have given them fully, which of the two is the true representation?—You must ask my lawyer.

1048. With respect to this passage which has been quoted, you state here, "I here conclude my examination of the affidavit as regards the case of Sudds; but I must not leave it without adverting to two other instances of equivocation, of a very decided character, in General Darling's affidavit; he swears, that the said irons were intended by this deponent only to be worn on occasion of the said soldiers being drummed out of the garrison. This is in direct contradiction to the general order which he issued; this being an official paper, speaks for itself. Its words are, 'seven years' exile in chains.' It is published in the Parliamentary papers, and I heard it read on the parade; it states in so many words that the two soldiers, Sudds and Thompson, should work in the irons for the term of their sentence, which term was seven years. I can further expose the falsehood of this

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averment, by referring to the official letter of the master attendant of the 25th of November 1826, published in the Parliamentary papers of the 8th of July 1828, which proves that up to that day, being three days after the punishment, Sudds was officially believed to be in irons. The other equivocation is this: General Darling swears, that when Sudds complained of being ill, the irons which had been previously on him were removed, and he was immediately conveyed to the infirmary of the gaol. This would lead a superficial reader to the conclusion that Darling had, upon the first complaint of illness, himself ordered the removal of the irons. It is stated on the contrary, in the Parliamentary evidence (No. 620), by Mr. John Thompson, the medical attendant at the gaol, that he was brought to the hospital and placed in bed. Mr. M'Intyre saw him immediately, and ordered his irons to be taken off. Mr. Toole, to whom this order was given, replied, that the irons had been put on by the direction of the Government, and he could not remove them. Mr. M'Intyre observed, that the irons are too heavy to be worn here, and they must be taken off while he is in the hospital, at any rate. About four o'clock that afternoon, some time after Mr. M'Intyre went away, the irons were taken off." Then comes the passage which has been quoted, "all this remains unnoticed and unanswered." This passage has been read and quoted to you without taking the context. To what has this passage reference: "he did not venture to swear this in his affidavit, for he knows that I have extracted the evidence verbatim and fully;" has that reference to the passage above, as to the time that the irons were taken off, or does it mean to have reference to all the extracts contained in the affidavit? —It has reference to this particular extract.

1049. Did you intend it to have reference to any other part of the affidavit? —No.

1050. State what particular extracts it alludes to?—That particular passage, where General Darling says, "the said irons were intended by this deponent only to be worn on occasion of the said soldiers being drummed out of the garrison." That is one of them, because it goes on, "this is in direct contradiction to the general order which General Darling issued, and which is to be found in the Parliamentary papers. Its words are, 'seven years' exile in chains.' I heard it read on the parade; it states in so many words, that the two soldiers, Sudds and Thompson, should work in the irons for the term of their sentence, which term was seven years."

1051. Those are the two passages, are there any others?—Yes; the other passage is, that "General Darling swears, that when Sudds complained of being ill, the irons which had been previously on him were removed, and he was immediately conveyed to the infirmary of the gaol. This would lead a superficial reader to the conclusion that Darling had, upon the first complaint of illness, himself ordered the removal of the irons. It is stated, on the contrary, in the Parliamentary evidence (No. 620), by Mr. John Thompson, the medical attendant at the gaol, that he was brought to the hospital, and placed in bed. Mr. M'Intyre saw him immediately, and ordered his irons to be taken off. Mr. Toole, to whom this order was given, replied, that the irons had been put on by the direction of the Government, and he could not remove them." That shows that it was not General Darling. "Mr. M'Intyre observed, that the irons are too heavy to be worn here, and they must be taken off while he is in the hospital, at any rate." About four o'clock that afternoon, some time after Mr. M'Intyre went away, the irons were taken off." I say that, with reference to all this, it "remains unnoticed and unanswered by General Darling, although every word of it is set out in my affidavit; but though," I go on to say, "General Darling feels it most prudent to avoid all notice of these extracts from the Parliamentary evidence in detail, he attempts to dispose of them wholesale, in a very convenient way, by saying, at the tenth page of his pamphlet, that I have given garbled extracts. He did not venture to swear this in his affidavit, for he well knows that I have extracted the evidence from the Parliamentary papers verbatim and fully." With reference to this——

1052. With reference to the three points that you have just alluded to?—Yes.

1053. Does not General Darling, at page 5 of his letter of 1829, in reply to 586, at the bottom of the page, state, "As to the removal of the chains from Thompson, it was not originally intended that they should be worn after the prisoners should leave Sydney; but as the opposition papers made an outcry on the occasion, it was considered inexpedient to remove them at that moment; and as Thompson afterwards communicated some information he had received when in Penrith gaol, respecting the cattle stealers, who were very active at that period, advantage was taken

taken of the circumstance to order the removal of his chains." That passage, of the year 1829, is consistent with General Darling's affidavit, in which he asserts that it was not his intention to keep them on permanently, but as long as it was necessary to make an impression upon the troop. Is there any thing inconsistent with that passage of his affidavit?—It is most inconsistent, if you refer to his general order, for he states in the general order that they were to be worked for seven years in chains; he either meant that or not.

1054. General Darling says, in his order, that they were to work in chains, and the understanding that he had of that was, that they were to work in chains as other convicts; because, in his letter of 1829, at page 5, he specifically alludes to his intention to remove the chains after the men should leave Sydney; and you are aware that a boat was ordered by the master-attendant, to have the men ready to start on the morning before Sudds' death?—If the Committee will refer to 586, page 19, they will find in the examination of Matthew Gibbons, the storekeeper, by whose order this was made, that he makes use of these expressions: he is asked what situation he held in November 1826, and he then goes on to state there were two sets of irons made: "I heard Captain Dumaresq, the chief engineer, say, that the weight of their chains was not so much an object as their peculiar form, for the purpose of degrading the soldiers, for whom they were intended, in the eyes of their comrades." In one of those examinations I believe it will be found that they were worked on the roads in chains, till they were ordered off subsequently, on account of their stating as a plea his good conduct.

1055. Was not Thompson worked ten days in chains? does not General Darling state "that as the opposition papers made an outcry on the occasion, it was considered inexpedient to remove them at that moment; and as Thompson afterwards communicated some information he had received when in Penrith gaol respecting the cattle stealers, who were very active at that period, advantage was taken of the circumstance to order the removal of his chains?"—I do not believe one word of that, that that was the cause of their being removed. I think that a very different cause can be assigned, that of the interposition of the Chief Justice, and that it was a mere pretext.

1056. Was not the Chief Justice on the Executive Council at the time that this inquiry, in 1826, took place?—Yes, but not in 1829.

1057. But surely you must understand that the occasion on which the men were worked in chains was in 1826, and at that time, in the Executive Council, the Chief Justice was a member of that Council, and a party in those proceedings?—I know that in 1826 he was a member of the Council, but I do not know that he was a party in those proceedings, for I know from his own mouth that he spoke to General Darling about it.

1058. Cannot it be shown to you, at page 29 of the Parliamentary paper 586, memoranda in the handwriting of the Chief Justice, in which those acts of General Darling were approved of by him, inasmuch as he gives in that memoranda reasons why it was a proper thing to maintain the discipline of the army by those means?—I am thoroughly convinced that Chief Justice Forbes never intended to have that document made use of in the way it has been; and my chief reason for so thinking is, that if you will look at the bottom of that document, you will find that it is in a measure smuggled into the report, that "it is certified to be a true copy of an original memoranda in the handwriting of Chief Justice Forbes, but without date or signature." Now I do say, that Chief Justice Forbes being present himself, and being Chief Justice of the colony, it would seem very strange indeed that he should write a pencil memoranda, without signature and without date, and this to be smuggled into a report like this, in order to make it appear that the Chief Justice was a consenting party to this punishment.

1059. Do you doubt the authenticity of that memoranda; do you conceive that it is a document which does not exist in reality, but has been introduced in a fraudulent or garbled manner?—I think that it has been introduced in a highly improper manner, and in a manner that the Chief Justice never intended; and I should rather suppose, if a reference was made to the Colonial Secretary, that some protest would be found by Chief Justice Forbes against having it made use of in the manner it has been.

1060. Do you doubt the authenticity of that document or memoranda having been in the handwriting of Chief Justice Forbes?—I will answer that question by the direct and positive testimony of Chief Justice Forbes to myself, that he so highly disapproved of the punishment, and seeing the dreadful effect that it had

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upon the men in the Mountain Road, that he spoke to General Darling to have that removed. That evidence of Chief Justice Forbes to me must certainly be stronger than a memorandum here previously written, as it appears, without his own signature or without any date.

1061. Your recollection of the conversation with Chief Justice Forbes may not be, in the estimation of others, quite so strong as that in his handwriting; the Committee wish to have a distinct answer to the question, whether you doubt that this memoranda was in the handwriting of Chief Justice Forbes?—I really have a doubt, and I explained that doubt by the representation that Chief Justice Forbes gave me himself, being directly opposed to this memoranda.

1062. Then, if the Committee understand you, you doubt the authenticity of this memoranda, and consider that it never was in existence?—I am very certain that it never was in existence for the purposes for which it is made use of.

1063. But looking at the words in which it is couched, which are approbatory of the punishment in question, are you convinced that that document is not an authentic document, and that it does not exist?—I will not go the length of saying that there may not be a document in existence of this nature, but I will say very truly, and safely I can assert that it was never intended to be made use of in the way it is here, because it is an unfinished document. Suppose an individual was writing a leading article for a paper, in which he wished to give an account of this offence, and supposing that leading article or written article, intended for a paper, was afterwards to be produced as the evidence of that individual, I should say that it would be very unfair and very improper evidence.

1064. Chief Justice Forbes was one of the Executive Council which sat in 1826; this memoranda is alleged to be in his handwriting. You have said that you are not sure that it exists, and you rather insinuate that you believe it not to exist; do you consider that this memoranda is authentic or not?—I see that it is certified to be a true copy of an original memoranda in the handwriting of Chief Justice Forbes, by Mr. Coundamine, the private secretary.

1065. On seeing the manner in which that is signed by Captain Coundamine, do you believe that that is an authentic document or not?—I should be very sorry to discredit Captain Coundamine in believing that he would say it was authentic if it was not; and therefore I suppose that there was one in the Chief Justice's writing.

1066. Do you think it consistent with the duty of Chief Justice to write, like an editor of a newspaper, sentiments which he does not approve of, and which are to defend the illegal conduct of General Darling?—I think it was highly improper his sitting there at all.

1067. Do you consider that the Chief Justice, having written such a paper as that memoranda is, in heart and in principle, disavows that which he has written whilst he sat in the Executive Council, as a member of the Board, inquiring into the particular circumstances before it; do you so far discredit the character and conduct of that individual as to suppose him guilty of writing a paper of this description in the Executive Council which afterwards he is ashamed to acknowledge as containing his own sentiments?—I do not think the Chief Justice, Mr. Forbes, would by any means deny his own handwriting; but I think it very probable, and possible, that Mr. Forbes might have written such a document as this, and thought very differently when he saw the effect of the punishment upon the person afterwards.

1068. So that you think, notwithstanding Chief Justice Forbes sitting in that Council, and writing it after the event, that he is capable of expressing those opinions in writing, and then disavowing the opinions he has written?—I think it very probable, as I said before, that when he made this memoranda he had no idea of the severity of the punishment of the chains; and that when he saw those actually in use, and was an eye-witness of the dreadful punishment inflicted on the iron gang, his sentiments would be very different from those of the memoranda.

1069. At page 4 of your pamphlet of 1833 there is the following passage: "The man Sudds was in such a deplorable state of ill health on the day he was brought from the gaol to have this ceremony performed (before the whole of the troops of the garrison, consisting of the 3d regiment of foot, 57th regiment, part of the 39th regiment, and veteran companies), that he was obliged to be supported to the parade by a man holding him up under each arm, and during the whole operation exhibited such exhaustion and weakness that he was obliged to be seated on the ground, as he had not strength to stand. In five days after the infliction

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infliction of this torture (the irons being still kept upon him in the gaol) he died." Is that statement in your pamphlet, which the Committee have read, namely, that "in five days after the infliction of this torture, the irons being still kept upon him in the gaol, he died," correct, which it is averred by Thompson himself, in his declaration, that the irons were taken off Sudds on the 23d; being altogether upon him for twenty-eight hours?—I do not state that they were kept upon him till he died. There is no word "until." I see the drift; some would have this, that the irons were kept upon him till he died. I would say that, reading it in that way, it would be very unfairly put: but I do say this, that the irons were "still" kept upon him in the gaol; now it is proved that they were upon him for twenty-eight hours in the gaol. If I had said the whole of the time in the gaol, that would be another thing. The counsel for General Darling insisted upon the same interpretation as the question implies; but the Judge did not think that it fully bore out that construction.

1070. By the evidence, where was Sudds when the irons were taken off him?—He was in the hospital of the gaol; there is besides an hospital in the gaol, or sort of ward; that is not the hospital in which he died.

1071. The Committee call your attention to page 5 of your pamphlet, and read the following extract to you: "A public-spirited and high-minded gentleman, (Mr. W. Wentworth) a native of the colony, who was at the time practising as leading counsel in the Supreme Court, addressed a letter of impeachment to the Secretary of State for the Colonies against General Darling, charging him with the murder of Sudds (the further particulars of which will be found on reference to Parliamentary proceedings and papers of the 8th July 1828, No. 586; 1st July 1830, and No. 620 of 20th July 1832);" what was the date of Mr. Wentworth's letter of impeachment to the Secretary of State?—First of March 1829, to the best of my recollection.

1072. Then the passage goes on, immediately after the word "20th July 1832," "General Darling immediately," that is, after this letter of impeachment, "convoked the Executive Council of the colony, the greater part of whom were dependants and creatures of his own, upon whom he had lavished free grants of thousands of acres of the best land, free government servants, mechanics, &c. &c. (*see* Mr. Hall's letter.) They consisted of the Chief Justice Forbes, Colonial Secretary M'Leay, Archdeacon Scott (who was absent on the first investigation) and Lieutenant-governor Colonel Stewart of the 3d regiment. This illegal conclave met for the purpose of bolstering up his defence, and on which occasion General Darling had the indecency and illegality of himself presiding; thus, in all instances where his conduct has been impeached, constituting himself a judge in his own cause; and another of his brothers-in-law, Captain and Brevet Lieutenant-colonel Dumaresq, of the veteran companies, acted as the Council's clerk or secretary;" having read to you that passage in which the words immediately are used, "immediately convoked the Executive Council," and in which a parenthesis is put, "Archdeacon Scott (who was absent on the first investigation);" the Committee ask, would not any person reading that passage, conceive that General Darling, when Mr. William Wentworth impeached him in 1829, had himself presided in the Executive Council in 1829, whilst the impeachment of Mr. Wentworth was pending over him?—Certainly, it might bear that construction, but in my affidavit before the Court of King's Bench I made it perfectly clear, and fully explained that point, that there was an inaccuracy; I was not in writing this so accurate as I was in my affidavit before the Court of King's Bench, upon which they pronounce their sentence.

1073. Is not this at page 5, a part of the libel against General Darling, stating contrary to the fact that he, General Darling, when an impeachment was hanging over him, actually presided at the Executive Council where his own conduct was to be brought in question, when the evidence and the fact is that he did not preside at the Executive Council?—The fact is, that his having presided at the second Council I did not want to convey, though it might be read from this that he presided; I meant to say in this that he presided at the first Council, because at the second Council Archdeacon Scott was present and officiated as president, but at the first Council he was absent from Van Dieman's Land; it conveys a wrong impression against General Darling, but I took care in my affidavit to explain that.

1074. Then do the Committee understand that this passage was calculated to convey a very prejudicial impression against General Darling?—Yes, till I subsequently corrected it upon my affidavit before the Court of King's Bench.

 1075. And

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1075. And was not the affidavit forced upon you by a prosecution, and not a voluntary correction of the injury which you had inflicted upon General Darling? —I have no hesitation in saying that this conveys an inaccurate idea to the prejudice of General Darling, which I subsequently explained to General Darling.

1076. But was there any voluntary retractation, or any offer of retractation, except in your affidavit?—I had no opportunity of offering, till I had an opportunity afforded me in the Court of King's Bench.

1077. Was there any retractation voluntary at all, independently of the retractation in the affidavit?—No.

1078. Did you make any tender of apology, or withdrawal of this pamphlet from circulation, before you were brought to trial?—Decidedly; I stopped the circulation as soon as my legal adviser told me that it was a breach of the law; that is, a libel to publish it.

1079. Did you in person, or through your solicitor, make any offer of retractation or withdrawal of the pamphlet, and apology, when you found it to be a libel?—Yes; and so far for that I said, with reference to General Darling, and to what had taken place in the House of Commons, that I would very willingly abide by any decision with General Darling, if he would place himself in the hands of Sir Henry Hardinge, and I placed in the hands of Mr. Henry Bulwer, both Members of Parliament, that I would abide by them, as a man of honour, in any decision that they came to.

1080. Then there was an offer made, and an offer that was not accepted? —Yes.

1081. But were there not terms appended to that offer?—This was the letter that I wrote to General Darling, after the publication of the last pamphlet, page 38: "Sir, You are aware that, when I first heard of your proceeding against me by indictment for a libel, and after I had learnt from my legal advisers that I had been guilty of a breach of the law of my country by republishing certain statements prejudicial to your character, although these statements were written and first published by some other person in New South Wales, I lost no time in stopping the circulation of that publication, and in expressing my sense of regret for such unintentional breach of the law on my part; I therefore feel no difficulty in tendering to you my apology for that offence; and, moreover, I wish to accompany this apology with the expression of regret for the wrong which I have thus incautiously, though I repeat unintentionally, committed.—P.S. Having been informed that it is alleged against me, that some copy or copies of the publication complained of, has or have been sold since the date of my declaration that the circulation should be stopped by me, I have only to observe, in answer to this, that on the day when that declaration was made by me, I took every means in my power, as I conceived, for obtaining possession of every copy, and that I thought I had succeeded. I can only express my surprise and regret, if it should be proved that I have been deceived in this respect." Then the answer to it was: "We beg to acquaint you that General Darling has sent us the letter addressed by you to him yesterday, and has desired us to acknowledge the receipt of it," and so on.

1082. In reference to the paragraph at page 5 of your pamphlet, in which you say that "General Darling, immediately on his impeachment of Mr. Wentworth, in 1829, convoked the Executive Council of the colony, the greater part of whom were dependants and creatures of his own, upon whom he had lavished free grants of thousands of acres of the best land, free government servants, mechanics, &c.; he presided himself at that Executive Council;" the Committee refer you to page 4 of the paper 586, to see whether this passage is not borne out by the fact; the letter is dated 28th May 1829: "I referred the matter, namely, the letter of impeachment of Mr. Wentworth, to the Council, conceiving it to be the most proper course; and as the charges related to myself personally, I considered it right to abstain from attending during those proceedings;" is not that borne out by the Minute of Council at page 8, in which it is stated, "His Excellency the Governor also laid before the Council a letter of impeachment against his Excellency, being the enclosure of the foregoing letter, addressed by William Charles Wentworth to the Right honourable Sir George Murray, K.G.B., His Majesty's Secretary of State for the Colonies, and dated Sydney, the 1st March 1829, but, as before stated, not received by his Excellency until the 18th of April. His Excelleney the Governor requested the Council to examine into the truth or falsehood of the charges contained in the letter of impeachment, and particularly urged this on the Council,

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Council, in consequence of their conduct being arraigned in it. His Excellency having then stated, that for the reason that the matter under consideration was one which more particularly related personally to himself, he declined taking any part in the inquiry, and accordingly retired." Is not that a correct quotation from the two passages mentioned?—It is a correct quotation, but at the same time I should beg to remark, that General Darling was equally personally concerned in the first investigation of 1826.

1083. But with regard to this investigation, in consequence of the letters of impeachment of Mr. Wentworth in 1829, General Darling did, as he stated in the evidence, decline to attend the proceedings of the Executive Council?—He did, but at the same time the proceedings of the Council, the moment the Council rose, every day were taken down to him the same as here, and he was made acquainted with every thing that had occurred in the Council, though he was not present himself.

1084. Do you attach any importance to the words, "the same as here?"—I mean, supposing this was an Executive Council, and supposing that General Darling was to preside as this chairman, but upon a question concerning himself he would not preside, if the chairman who presides here was to take down the evidence, and every thing that had taken place to him.

1085. But that does not constitute General Darling the president of that Executive Council, which you, in your pamphlet, at page 5, have stated that he had presided at; that he had the indecency and illegality of himself presiding at; those words are so strong, that you will see you must in that pamphlet, at page 5, have committed an act of great injustice towards General Darling?—I certainly committed an error in the wording of this, in conveying an idea prejudicial to General Darling, when I stated that he presided at the second Council, but as the first Council had equally the same proceedings to inquire into, the death of Sudds, his presiding there was what I intended to describe as indelicate and illegal; if I had to write it over again, I should not have written it in this way.

1086. Is not the statement referred to a wrong and incorrect statement?—Yes, it is.

1087. Did you not, shortly since, state that you fathered the pamphlet in 1832?—Yes, I did use the expression, but what I meant to say was, that it was by my direction that that pamphlet was written; that is the intention that I meant to convey; but if that pamphlet is read, and I am asked, do I concur in this and that, I will not say.

1088. Do you consider yourself responsible for the contents of that pamphlet?—As a general answer, as far as it goes to disprove the attack upon Mr. Black, I do.

1089. Will you be so good as to take that pamphlet into your hand, and turn to page 14, do not you find those words, "It is clearly proved by Thompson that at this very period Sudds' irons, which weighed 14 lbs. 6 oz., were absolutely on his neck; for the Executive Council, in Minute No. 10, of Wednesday 6th May 1829, say, 'second set, originally put on the prisoner Sudds, and afterwards worn by Thompson, weighed 14 lbs. 6 oz. (14 lbs. 6 oz.!)' There must then have been a third set, as Thompson had broken his. The Council, in Minute No. 20, thus describe them: they were made of round bolt iron, formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each. On this subject the Council think it proper to remark, that from the peculiar construction of the irons put upon Sudds and Thompson, the greater part of the weight must rest upon the shoulder, or hang equally from two opposite sides of the neck, and that the heaviest set of the two weighs only 14 lbs. 6 oz., which is only 6 oz. more than the weight of a common musket—that is a passage:" in that book are not the words, "they were made of round bolt iron formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each," meant to apply to the irons put on Thompson, to the description given of them by the Council?—It would so read.

1090. Turn to page 13 of the Parliamentary paper 586, you find the words—"Mr. Gibbon states, that about the year 1793 or 1794, there were collar irons made by order of Lieutenant-governor Grose for women convicts," immediately preceding these words, "they were made of round bolt iron formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each?"—Yes.

1091. Is it not the fact then, that the pamphlet of 1832 gives as a description

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of Thompson's irons by the Council, that which in fact applied to Governor Grose's irons?—Yes, I should say so, and this quotation it was that I alluded to as an erroneous one yesterday; it was not written by me, although the pamphlet itself generally was an answer to the attack that had been made by General Darling upon the Morning Chronicle; and I should further say that the quotation which has just been given to me, if they had gone two or three lines further they would have found this material context—" which, General Darling asserts, ' they may be worn without being injurious in any respect to the individual, owing to their extreme lightness;' and Sir George Murray declares, ' without unnecessary harshness,'" which finishes the sentence.

1092. Are not these words, " which, General Darling asserts, ' may be worn without being injurious in any respect to the individual,' owing to their ' extreme lightness!' and Sir George Murray declares, ' without unnecessary harshness!!'" followed by two marks of admiration at the end?—Yes.

1093. In that passage all reference to those irons, as made by Governor Grose, is absolutely omitted?— It is, but it refers to the Parliamentary paper; " but it is clearly proved by Thompson, that at this very period Sudds' irons, which weighed 14 lbs. 6 oz., were absolutely on his neck;" for the Executive Council, in Minute No. 10; there it does refer to it.

1094. Is there any express reference to the Parliamentary paper?—The word Parliamentary paper I do not see mentioned; but " Minute of the Executive Council" is.

1095. Would any casual reader know where to refer to, to attest the accuracy of that passage?—Most assuredly; if they read the pamphlet they will find that it refers to the Parliamentary paper; that particular part does not.

1095.* Is there any reference to those irons being made by Governor Grose in that passage?— I do not see that there is.

1096. Is not that description, " they were made of round bolt iron formed into a collar for the neck, with two projections extending from a foot to 18 inches from the collar, and weighing about 14 or 15 lbs. each," the very description which is appended to the frontispiece of the pamphlet of 1832 and 1833 respectively, and in both of which descriptions on the frontispiece all reference to Governor Grose is absolutely and entirely omitted?—It appears so; but that pamphlet was not written by me.

1097. Then as regards the inference of any body reading that pamphlet in 1832, which you directed to be written, and of which you furnished the materials and the frontispiece appended to it, all mention of the irons having been used in 1793 and 1794 by General Grose is omitted, whilst the weight of the irons and the spikes being a foot to 18 inches long is put in, and is made applicable to the irons that were put on Sudds and Thompson, when in reality those irons were used in 1793 and 1794 by General Grose, and not by General Darling?—I should say that that conveyed an erroneous impression, as I said yesterday, but that pamphlet was not written by me; but I should say, read the whole of the pamphlet, and it will be found that it is only that particular passage which leaves out the allusion to Governor Grose, but I think that the reference being made to the Minute of Council and the Parliamentary paper, any person wishing for the whole truth would find the erroneous passage immediately on reading it.

1098. Is it quite fair to issue a pamphlet containing erroneous and garbled extracts, giving a completely wrong impression of the state of the facts, and directing the reader to refer to the Parliamentary papers, which are not of very easy access?—My answer to that is that it would not be fair, but you should refer to the whole circumstance, and to the pamphlet, and to the gross misstatements that were put forward on the part of General Darling, to which this was an answer.

1099. But you do not think it a sufficient justification for making erroneous and garbled extracts, that the person to whom you are writing has previously made, if such be the fact, erroneous misstatements?—No, I mean to say that in a paper of this kind, where certain facts are denied on one part, and certain accusations made on the other, it is an unfair mode of judging, taking an isolated passage out without reading the whole pamphlet; I have no doubt that if this pamphlet of 1832 were all read through, it would make a very different impression upon the mind of the reader, from taking an isolated passage out of it and reading it.

1100. But that is the passage which is put forward peculiarly on the frontispiece; that is a passage which occurs immediately subsequent to the explanation of the picture given in the frontispiece, and which no man of any ordinary common

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sense reading that Minute must have known and seen at once to have applied to Governor Grose's case, and not to General Darling?—I have already stated, and can but repeat that it was an erroneous extract, and a very unfair one, against General Darling.

1101. Was this passage written by you?—No.

1102. Did you see it before it was printed?—No, or I should have corrected it.

1103. Had you ever heard any objection made to the accuracy of this passage till it was made yesterday?—No.

1104. You say that you would have corrected that if you had read the passage; you have read the pamphlet of 1832 since it has been issued, and you have seen the frontispiece of this pamphlet issued in 1832 and 1833, but you say if you had read that pamphlet you would have noticed the inaccuracy that was committed, and up to the present hour when it is exposed to you, you have never noticed it to General Darling or any other individual; the Committee put it to you, being intimately conversant with all these papers, and having directed the publication yourself, or having confidential friends to write it for you, do not you think by the loose manner in which you have extracted those Parliamentary passages, that you have in bringing forward charges against General Darling, done them in those respects which have been pointed out to you, in a very loose and unjust manner towards him?—I have already stated that I have not done this; the question is put as if I had done it; I did not; I can only repeat that it was unfair, and I would not have allowed it if it had been pointed out to me, or if my attention had been drawn to the fact, as it now appears that that erroneous extract had reference to the irons of 1792 or 1793 of Governor Grose, instead of those of General Darling in 1826.

1105. But you stated just now that your reason for knowing that you had not read this part of the pamphlet was, that if you had read it you must immediately have ascertained the incorrectness of the passage?—When I say read it, I mean with regard to this erroneous passage; that I took it for granted that the person who wrote it would not have put in an erroneous passage as applicable to General Darling; and that when it is pointed out to me, when I compare the passage with the Parliamentary paper, I find that it is an erroneous passage; I acknowledge it to be so.

1106. But the incorrectness of the passage is no proof that you did not read this paper?—I gave the papers to the party to make an answer.

1107. Did you, or did you not, see this particular passage?—Most decidedly I did not. I have seen the whole, but I mean that my attention was never drawn to it until it was drawn to it yesterday.

1108. Did you see that particular passage before it went to press?—No; if I had I should have corrected it. I would not have allowed it to appear.

1109. Then the only reason for your thinking you had not seen it is the incorrectness of the passage?—Yes, or I should have been sanctioning what was incorrect.

1110. But you have seen this incorrect quotation over and over again since?—But my attention was never called to it; I took it for granted that it was a correct quotation; when I examined the Parliamentary paper and find that it is like a garbled part of the answer, and does not refer to Sudds and Thompson, but to the irons of Governor Grose, I set myself to rights by saying that it is erroneous.

1111. You admit that you have seen this erroneous extract at the foot of the frontispiece over and over again?—Yes.

1112. And yet, reading it over and over again, you did not discover the incorrectness of that quotation till it was pointed out to you?—I took it for granted that it was correct, because I took it from the original pamphlet of 1832, and I think a manifest proof of that is, that surely I should not have allowed it; for could I have been such a fool as to insert this, and refer to the Minute, which would prove this to be an erroneous reference.

1113. Did you collate it with the Parliamentary papers in its progress through the press?—I never compared them till I saw them yesterday. I compared them when it was drawn to my attention yesterday.

1114. Had you ever compared it previously?—No.

1115. But you gave, as the reason why you could not have read that particular passage, that that passage contained this incorrect representation, did you not?—I stated that I could not have suffered it to go in if I had known it to be incorrect.

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1116. Did you not give as a reason why you did not read that particular passage, that this passage gave an incorrect representation?—Yes; I could not have read that passage with sufficient accuracy, or I should not have allowed it to go on.

1117. But you have over and over again read this passage at the foot of the frontispiece, and did not discover the inaccuracy?—I did not discover it till yesterday morning; I cannot say more than that I repeat it, that that is the fact.

1118. You have been asked the question many times about this passage appearing on the frontispiece; you discovered the erroneous quotation only yesterday? Yes.

1119. Some questions were put to you relating to the commentary in the pamphlet of 1832 upon this same passage in the pamphlet of 1832; there is a commentary first upon the language of Sir George Murray, and secondly upon the reference to General Darling; that pamphlet is not yours?—No, it was not written by me.

1120. It was written from materials furnished by you?—Yes.

1121. Did you ever read (your object being that a satisfactory kind of answer should be given to General Darling's pamphlet) this passage which commented upon the light way in which Sir George Murray spoke of those irons, and in which General Darling spoke of those irons?—I have no doubt that I did, but there are various ways of reading the same thing, either as a whole or isolated parts; I may loosely have read it without comparing it, I took for granted that the extract was correct.

1122. And concluded that the commentary was fair?—Yes.

1123. And thought that the commentary properly applied to the case of Sudds and Thompson?—Yes, the passage refers to the weight: "which General Darling asserts may be worn without being injurious in any respect to the individual, owing to their extreme lightness;" and Sir George Murray declares, and no doubt upon the report of General Darling, "without unnecessary harshness." I do say that that was not a correct statement, that is to say, that they were injurious; in the first place, I deny General Darling's statement, "that they were not injurious in any respect to the individual;" and then again, "owing to the extreme lightness," I say that they were not extremely light; and then, as to Sir George Murray's expression, "without unnecessary harshness," I thought they were harsh.

1124. Did you at the time consider that that was a fair commentary upon the expressions there used?—Yes, I think it is a fair commentary.

1125. And you think the commentary was properly applied to the irons of Sudds and Thompson?—Yes.

1126. And that the passage upon which the writer was commenting, was a passage relating to Sudds and Thompson?—Yes, I read it so; I say in that way it would be a fair commentary.

1127. Do you now consider that it did in fact refer to the case of Sudds and Thompson?—This, commencing with "the round bolt iron," is unfair, as it would be supposed that Sudds and Thompson's irons were described.

1128. Did you, or did you not discover, at the time that pamphlet was published, that this was erroneously applied to the case of Sudds and Thompson?—No, or I would not have allowed it; I think the proof of the fairness in which I put it is, that I give a totally different account myself in my pamphlet.

1129. How many editions were there of the pamphlet of 1832 published?—I do not know.

1130. Were there several?—I do not know; there were alterations in the title-page.

1131. Had you occasion, from time to time, to revise that pamphlet which passed through several editions?—No.

1132. Did it pass through several editions?—I am not aware; I think there were some alterations made in it.

1133. Will you look in the first or second page of that pamphlet, and you will find in a note that there is a reference to the letter signed "Miles," consequently showing that there must have been a previous edition of that pamphlet; does not that note refer to a comment containing Miles's assertions, and prove that there was a previous edition of that pamphlet?—No; there was a previous letter signed by "Miles," in the Morning Chronicle, which led to this.

1134. You furnished the materials for the writing of this pamphlet?—Yes.

1135. Which

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1135. Which was intended to be an answer to General Darling's pamphlet?—No, to General Darling's brother's attack upon the Morning Chronicle.

1136. Your object naturally would be, that a full and fair answer should be given to that pamphlet?—Yes.

1137. Are the Committee to understand that that pamphlet went into circulation without your understanding whether the references were true or false?—Certainly, because if I had compared them with the Parliamentary paper, it would appear to me that they were incorrect.

1138. You were never till yesterday aware of the inaccuracy contained in the letter-press under the frontispiece?—I was not.

1139. Was that inaccuracy not complained of by General Darling in his pamphlet?—I do not think so.

1140. Did not General Darling, in his pamphlet, in his answer, complain of the inaccuracy of the letter-press?—No, I think not.

1141. Did you see General Darling's pamphlet, which you answered —Yes.

1142. Did you see his affidavit?—Yes.

1143. Did not General Darling, in his affidavit, declare that the letter-press, which was appended to the pamphlet, applied to General Grose's irons, and not to his?—He denied generally that this was a correct representation, but I do not think that he denied any particular part.

1144. But if he did deny it, you are incorrect in saying that you never heard of it till yesterday?—I never heard of this till yesterday, whether General Darling stated it in his affidavit or not; to the best of my knowledge he did not, either in his pamphlet or his affidavit.

1145. Did you not answer the affidavit?—No, they would not allow me.

1146. Did you furnish any other materials for that pamphlet, besides the Parliamentary papers?—I am not aware that I furnished any, except what I had in print of Sudds and Thompson; there were various persons in New South Wales who printed papers in connexion with Sudds and Thompson's case, and I put them altogether; when he said, let me write an answer to him, and I gave him a bundle of Parliamentary papers, and I gave him the other papers. I am answerable for what he wrote then; after he writes it, it appears that there is an incorrect quotation, and that it is unfair altogether; and when this is pointed out to me, and when I compare that with the papers, I acknowledge it is unfair, and I correct the error as soon as I can.

1147. In your own letter to the House of Commons, 25th of June 1835, there is the following passage in page 6: "In another part of his affidavit General Darling swears as follows: the irons mentioned in the said pamphlet were, according to the best of his (deponent's) information and belief, such irons as had been previously made and used by order of Lieutenant-governor Grose for punishing disorderly women-convicts in the said colony." This passage is contained in a letter of yours to the House of Commons, on the 25th of June 1835, and you go on—"Now this is partially true, but substantially false." Do you mean to deny that the fact of this being an erroneous quotation was not brought under your notice till yesterday?—I speak here entirely with reference to another part of his affidavit that General Darling swears, as follows: "the irons, that is, Sudds and Thompson's irons, if you mean to say that I knew that those irons referred to the irons of General Grose, they are not 'those irons,' that is, the irons worn by Sudds and Thompson mentioned in the said affidavit, were, according to the best of deponent's information and belief, such irons as had been previously made and used by order of Lieutenant-general Grose for punishing disorderly women-convicts in the said colony." Now I say that this is partially true, but substantially false. Grose was one of the first governors after New South Wales became a convict colony, from 1792 to 1794. And then I go on to describe, "that the behaviour of the convicts at that time was so desperate, that with a view to prevent burglarious entry, a heavy collar was imposed at night on the shoulders of the worst characters, so as to impede their passage except through open doors. This occurred nearly half a century ago, and even then was intended merely for temporary restraint and not for punishment. This explanation was given in my affidavit in reply, but being rejected it could not appear before the court." I am alluding here to the irons put upon Sudds and Thompson.

1148. Previously to the writing of that letter, your attention must have been drawn to this circumstance, of there being irons worn by women under the orders of General Grose?—In the numerous conversations that have taken place, it has been

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been stated to me, among other things, with respect to General Grose's irons, that they were put round the women to prevent their going through windows; and I should think he meant this when he states, "that, according to deponent's information and belief, such irons had been previously made and used by order of Lieutenant-governor Grose." That is the part that I deny; that there had been irons of some sort I did not deny; and "that is partially true, but substantially false," is connected with the lower part of the irons.

1149. In the paper 586, page 5, there is a letter from General Darling, bearing date 28th May 1829, a passage from which has been read already: "As to the removal of the chains from Thompson, it was not originally intended that they should be worn after the prisoners should leave Sydney, but as the opposition papers made an outcry on the occasion, it was considered inexpedient to remove them at that moment; and as Thompson afterwards communicated some information he had received when in Penrith gaol respecting the cattle stealers, who were very active at that period, advantage was taken of the circumstance to order the removal of his chains." How long after the punishment of Sudds and Thompson was that letter written?—Sudds and Thompson's punishment took place in November 1826, and this letter is dated May 18, 1829.

1150. Look to page 2 and 3 of the papers 1828, the first article is a despatch by General Darling to Earl Bathurst; do you find in that despatch, which bears date 4th December 1826, any thing relating to the intention of taking the irons off of Sudds and Thompson immediately?—The passage is this: "the prisoner Sudds was sent to the hospital the following day, Thursday the 23d, and died on Monday the 27th ult. which has led to the animadversions in the 'Australian,' to which I have already alluded. However much the event is to be regretted, it cannot be imputed to severity, none was practised or intended. Instances occur daily of men petitioning to be allowed to work on the roads; in the former, punishment being preferred in all cases by the prisoners. The only deviation from the usual course of proceeding in the case of Sudds and Thompson was, that instead of the chains being put on in the gaol, the act was performed in a more ceremonious manner, in presence of the garrison, as a necessary example to the troops." If you read that letter, there is no mention made in that of the intention of taking them off at once? —No, there is not.

1151. The Committee refer you to the general order, which was issued by General Darling; the passage is this: "Privates Sudds and Thompson having been convicted of a robbery in the town of Sydney, committed in open day, and without even an attempt to conceal the fact, and having been sentenced to be transported to a penal settlement for a period of seven years, the Lieutenant-general, in virtue of the power with which he is vested as Governor-in-chief, has thought fit to commute the sentence, and to direct that privates Sudds and Thompson shall be worked in chains on the public roads for the period of their sentence, after which they will rejoin their corps. The garrison has been assembled to witness the degradation of these men from the honourable station of soldiers to that of felons, doomed to labour in chains. It is ordered that the prisoners be immediately stripped of their uniform in presence of the troops, and be dressed in the felon's clothing; that they be put in chains, and delivered in charge to the overseers of the 'chain gangs,' in order to their being removed to the interior, and worked on the mountain roads, being drummed as rogues out of the garrison." Is there any statement in that general order of the intention of the removal of the chains immediately after they were drummed out of the garrison?—No, on the contrary, it states that they were to be worked in them.

1152. That they were to be put in chains, and delivered to the overseers of gangs, and worked in chains?—Yes.

1153. What is the conception that any man reading that page would put upon it when he found that they were to be put in chains and drummed out, and delivered to the gang overseers, and worked in chains, did you hear the order made that day on the parade?—Yes, I did.

1154. Was your impression that the men were to be worked in those chains?—Yes, in those chains that were then put upon them, and they were actually, Thompson was, after Sudds' death, worked in those for a considerable period.

1155. Was your impression, when you saw those chains put on them, and saw them led away in them, that they were to be worked in those chains?—Yes.

1156. Were those chains fastened on them in a temporary manner, or riveted on

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as if they were intended to be permanent?—They were riveted on as if they were intended to be permanent.

1157. And that riveting on, occupied the greater part of the ceremony?—Yes.

1158. Turn to page 52 of the Parliamentary paper 620; here is a correspondence between Mr. M'Leay, the colonial secretary, and Mr. Mackaness: "I am directed by his Excellency the Governor to request that the prisoners named in the margin may be forwarded in irons to Paramatta;" did that refer to the prisoners Sudds and Thompson?—Yes, it is so stated in the margin.

1159. Then "the master attendant will provide a conveyance, and the major of brigade will order a military guard to attend them to the boat." That is the statement?—Yes.

1160. Those men were to be forwarded in irons, having been marched off the parade in irons, and still continuing in them; what would you understand from the addition of the word "in irons," if that order had been forwarded to you?—Most unquestionably that I should have forwarded them in the irons that were put upon them as there ordered, and then to be handed over to the inspector of roads.

1161. In point of fact, was not Thompson so worked in those irons?—Yes.

1162. In point of fact, when Thompson broke his own irons, were not Sudds's irons, which had been taken off him, brought and riveted on Thompson in place of his own irons?—Yes.

1163. Do you find any evidence of an intention to remove those irons before the meeting of the Executive Council in 1826; do you find that in the treatment of Thompson afterwards, or where is it that you first find that statement, that it was intended that those irons were taken off immediately after the opportunity; is it in the letter of the Governor that you find it for the first time?—Yes, in May 1829.

1164. And that being issued after the forwarding of Mr. Wentworth's articles of impeachment, and when the Governor was on his trial, for riveting on those irons?—Yes.

1165. This order for riveting on the irons bears date the 20th of November?—Yes.

1166. The publication in the "Australian," which was complained of, took place on the 29th November?—Yes.

1167. If you refer to Thompson's evidence, Thompson says, "on Wednesday morning I was conveyed in a bullock cart to Penrith gaol;" do you not find that?—Yes.

1168. That was Wednesday morning after Sudds's death?—Yes.

1169. Wednesday, the 29th of November?—Yes.

1170. Is the "Australian" a morning or an evening paper?—A morning paper.

1171. Then on the very morning on which the paper was published, which General Darling asserts caused him to retain Thompson in the irons, Thompson admits that he was on that morning conveyed to Penrith gaol in those irons, not merely in his own irons, but those which had been taken off Sudds, and transferred to him, Thompson?—Yes.

1172. So that to that moment we have no evidence of the intention stated by General Darling, until we have his own statement on the 28th May 1829?—Yes.

1173. Look to the evidence before the Executive Council on May 1829; do you find in that evidence any statement by any person who was there examined, that the intention was to have taken off those irons immediately after the punishment?—No, I do not read any such evidence there.

1174. Is Colonel William Dumaresq, examined before that Council?—Yes, he is.

1175. Does that gentleman say that he was directed to order those chains to be made for those men?—Yes.

1176. Does he say anything of the intention to take the chains off those men?—No.

1177. Then the only evidence that those chains were to be kept on only for a moment, is in the Governor's statement of the 28th May; are you aware of any other passage?—No, I am not.

1178. You have read the evidence of Mr. M'Intyre before the Executive Council in 1826?—Yes.

1179. Is it not in evidence, that when the irons were ordered to be taken off Sudds, he was told that those irons could not be taken off without the Governor's orders?—Yes, it is so stated in the evidence of John Thompson and Mr. M'Intyre.

1180. Then there were no orders given by the Governor, that those chains should

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should be taken off as soon as the ceremony was over?—None whatever; on the contrary, the orders are that they are to be worked in them.

1181. Were not the chains taken off Sudds within two hours after the medical officer desired that they should be taken off?—I have no personal knowledge of that.

1182. Does it not appear in the evidence?—It states in the evidence that they were taken off at four o'clock.

1183. And he ordered them to be taken off at about two?—No doubt that is the case, if it is put to me so from the evidence.

Mercurii, 26° die Augusti, 1835.

WILLIAM TOOKE, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, called in; and further Examined.

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1184. YOU have heard read the papers regarding the appointment of Dr. Bowman?—Yes, I have.

1185. Which have been produced to this Committee in consequence of an insinuation made by you, that that change of the designation of the principal surgeon to be made inspector of hospitals was made for the purpose of influencing Dr. Bowman's future evidence whenever it might be called for. You have heard read the whole of the evidence, and do you still persist in that insinuation against Dr. Bowman?—On referring to the dates of the extracts from General Darling's despatches, I do not find that the appointment had been recommended previously to the Executive Council of 1826, where Dr. Bowman was examined; and if I had seen anything that should appear to me to show that Dr. Bowman was intended for that office previously, I would at once have conceded my opinion.

1186. Do the Committee understand from that answer that you persist in your opinion, that this situation was created, not by the board, but by General Darling, for the corrupt purpose of influencing his evidence?—Of course I cannot, seeing that it was made by the board, accuse General Darling of it; but I beg to state that when General Darling wished to make appointments, it was perfectly well understood in the colony that the boards that he referred to yielded to his wishes.

1187. But the arrangements for this board had been made some time previously to the 21st of December, which is the date of the Minute, and it would appear that Dr. Bowman, in February 1827, had intended to resign the service. Taking the nature of the whole circumstances together, the Committee appeal to you once more, knowing Dr. Bowman's character, whether you do still persist in attaching to that appointment the corrupt motives which you first insinuated?—That is a very material circumstance that has just been brought to my recollection, that of Dr. Bowman having intended to resign, and most assuredly, from that circumstance, I should say that I was wrong.

1188. Was not there a paid sheriff at Sydney, whose duty it was to superintend the business of the gaol?—Unquestionably there was a paid sheriff at Sydney; Mr. Mackaness, to the best of my recollection, was his name.

1189. Do you recollect his salary?—I should think about 1,000*l.* or 1,200*l.* a year; of course he had the charge of all the prisoners in the gaol, of superintending them all; the officers of the gaol were inferior officers under him, the same as in this country.

1190. Then the superintendence of the gaol at Sydney was under the gaoler's care and the sheriff's care; and if the Committee understand the arrangements made, Mr. M'Intyre, as being the resident doctor in the gaol, and Dr. Bowman, as being the principal officer, in their conduct were superintended by the sheriff and the gaoler, in their daily visits to the gaol, rather than by General Darling?—My opinion is, but it is after all an opinion, that the sheriff, in his capacity of sheriff, had not the control over the medical officers of the gaol; that as those officers went in and went out, that they were not responsible to the sheriff, but were responsible to the Governor.

1191. The sheriff is responsible for the persons of the prisoners, and the treatment of the prisoners in the gaol; but with respect to the doctors, if they attended those prisoners, if they were negligent of their duty in the gaol, it was the daily business of the sheriff and the gaoler to see that justice was done to the prisoners by the medical officers?—Yes.

1192. The

1192. The gaoler is also the sheriff's officer, and also appointed by him, for whose conduct the sheriff is responsible?—Yes, certainly.

1193. If any men were ill in that prison, would a daily report of their state of health be sent to the Governor, or to the gaoler or sheriff?—That I have no personal knowledge of; I never was brought in contact with the regulations of the gaol, and I cannot speak with certainty; but as a matter of opinion, I should say, anything occurring in the gaol ought properly to be reported to the sheriff.

1194. Are these visiting justices who visit the gaol once a quarter, or at other times?—I think the judges did.

1195. Then the reports of the state of the prisoners' health, as a matter of routine, would not go to the Governor, but would go to some of those superintending authorities?—Yes, surely.

1196. Consequently, was it a matter of usual and ordinary practice, that the daily report of the health of the prisoners in the gaol should be sent to General Darling, or not?—No, I should think not, unless there was something unusual, out of the common run.

1197. Will you be kind enough to turn to the letter from Mr. M'Leay to the editor of the "Australian," dated 1st December 1826, in 538, p. 4, the Committee wish to call your attention to the third paragraph: "Instead of being transported, it was directed that he should work upon the roads in chains, it being conceived that the example would be useful in preventing other soldiers from making a similar attempt to obtain their discharge from the service. To show that this punishment is considered a mitigation of the sentence when substituted for transportation, it is only necessary to state, that applications from the prisoners for such commutations are very numerous, and are constantly received, after sentence of transportation has been passed on them." Do you consider that expression, "applications from the prisoners for such commutations are very numerous," to be correct?—Most assuredly not; the aggravation of the punishment with those irons.

1198. Then, when Mr. M'Leay says, that applications from the prisoners for such commutations are very numerous, it is not correct?—No; the term there applies to the common conviction of men that are sent in the usual manner, that is to say, put upon the roads in the usual manner of punishment; but this being an unusual punishment, most assuredly it did not apply.

1199. There is another passage to which the Committee wish to direct your attention: "I have already shown, from the surgeon's report, that he was not ill when the chains were put upon him on Wednesday the 22d, and his subsequent illness took place on the 24th, Friday, when he again reported himself sick." Do you consider that this statement, that he was not ill when the chains were put upon him on Wednesday the 22d, is correct?—No, he was ill; for I have explained that he was obliged to be supported to the parade.

1200. Then you consider those passages which have been read to be wholly incorrect?—Yes.

1201. He does not state in that paper that the person was not sick; the paragraph is, "On Wednesday, the 22d, Sudds was marched from the gaol, not being on the sick list at this time, to the barracks, where between 11 and 12 o'clock the chains were put on him, and he was sent back to the gaol." The paragraph there states, not that Sudds was not ill, but that he was not upon the sick list; and as Dr. M'Intyre sent him out of the gaol to the parade, he being the judge of whether the person was sick or not, the Committee ask you whether Mr. M'Leay, the colonial secretary, in that paragraph means to state any opinion, whether the person was sick, or not; does he deny the sickness, or does he mean to say, that the persons who sent him from gaol had him not upon their sick list at the time?—There are two paragraphs here; one in a measure contradicts the other; but taking the whole context as it is, I should certainly say, that he meant to express himself that he was not on the sick list, that he was not reported sick.

1202. Not being reported sick by Mr. M'Intyre, who had the care of the health of the prisoners in the gaol, do you not think that the blame of sending that man on the parade from the gaol, in the state of ill health in which he evidently was, by your description, as by others, was attributable to Dr. M'Intyre, and to that gaoler who so sent him out in a state unfit for the ceremony to take place?—I will not go to the length of saying that Dr. M'Intyre was or not to blame, but most assuredly it was the duty, whoever the surgeon was, to have reported the state of his health at the time, and I think it equally so of the person who ordered the punishment to ascertain whether he was capable of bearing it.

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1203. But you are of opinion that the person in charge of the health of the prisoners ought to have taken care that the prisoner Sudds, when marched to the parade, was in a fit state of health, before he was allowed to go out of the gaol?—I think it was his duty, most assuredly, to report to the government the state of Sudds's health.

1204. Are you aware whether any report was made to the Governor or not?—I had no opportunity of knowing personally; I know of none.

1205. Has it not been deposed to on oath, by several witnesses, that no report was made to the Governor; and have you not yourself very properly said that God forbid you should say or think that had Governor Darling known of the state of Sudds's health or been upon the parade upon that occasion, that he would ever have allowed the chains to have been put upon him?—I have said so, and I still think so.

1206. Will you turn to the Parliamentary Paper 620, page 40, Enclosure No. 4, and you will find this: "Report of the case of Joseph Sudds, late a prisoner in the Sydney Gaol. The above-named prisoner applied on the 11th of November for medical assistance, and was in consequence removed into the gaol hospital, where he remained under treatment until the 16th, when he was discharged, apparently well. On the 24th of the same month, in 12 days after the punishment, he again reported himself sick, and was forthwith committed a second time into the same hospital." Does not that appear to be the report of Mr. M'Intyre of Sudds's health at the time of the punishment?—Yes; but that report was not made till after the death of Sudds.

1207. Was there any hospital-book kept by Dr. M'Intyre, of the state of the sick in that gaol?—I had no opportunity of knowing that.

1208. Does that fact, yea or no, appear upon the minutes of the Parliamentary Papers?—It is stated in the Parliamentary Papers, that no hospital-books were kept.

1209. He having been examined before the Executive Council, admitted he had not kept any hospital-books?—Yes.

1210. Have you read that report on the case of Joseph Sudds, page 40, and signed by James M'Intyre?—No, I have not, but I will read it. [*The Witness referred to the same.*] I have now read it.

1211. Do you find in any part of that report that he was not ill when the chains were put upon him on Wednesday the 22d?—No, it does not state it here.

1212. But it does state that on the 16th he was discharged apparently well, and that it was not till the 24th of the same month that he again reported himself sick, does it not?—That is stated in the report.

1213. Is it not stated in Mr. M'Leay's letter to the editor of the Australian, "I have already shown, from the surgeon's report, that he was not ill when the chains were put on him, on Wednesday the 22d"?—Yes.

1214. Is that found in any part of the report?—No.

1215. It is incorrect?—Yes.

1216. Though it does not appear affirmatively and positively, is it not the necessary inference from those facts, that he was discharged apparently well on the 16th, and that he was not ill again till the 24th?—It is so.

1217. Does not Dr. Bowman also, in page 17 of 586, state this: "About a fortnight or three weeks previously to Sudds's death, I visited the gaol with Mr. M'Intyre, the assistant-surgeon, who had charge of the gaol, and found that Sudds had been treated for dropsy, but was that day discharged from the sick list, his disease having subsided"?—Yes.

1218. Does it not appear in the Australian of December the 6th, 1826: "We question much if it were known beyond the prison walls that Sudds was even ill, much less that he was alarmingly ill"?—Yes.

1219. Do you know who was the author of the letter "Quinque"?—I do not.

1220. Will you be so good as to look at page 28 of Paper 586; that Paper is dated the 4th of May 1829, and is signed W. C. Wentworth, and is addressed to General Darling, and professes to be a protest of Mr. Wentworth's against the Executive Council which had been "convened by him to inquire into, and report upon the statements contained in his letter of impeachment of the 1st of March last, addressed to the colonial secretary, upon the case of Sudds and Thompson"?—Yes.

1221. Is not one of his objections, "Because the Executive Council is not competent to administer an oath, and does not therefore possess the attribute which the law holds to be indispensable to the elucidation of truth, and because it has not

jurisdiction over the matters which I have laid to your charge." Are you, as a witness before this Committee, upon your oath?—No, I am not.

1222. The second objection in that protest is, "Because one of the members of this illegal and unconstitutional conclave, Mr. M'Leay, is involved with you as accessory; because another of them, Mr. Scott, is notoriously your shadow; and because the third and last of them, Colonel Lindsay, is your private friend, and if he were even disposed to act impartially, he would be outvoted by your creatures in the Council; and besides, he possesses neither ability nor knowledge of the the subject sufficient to enable him to direct a proper course of examination to the witnesses." Were the members of that Executive Council appointed by General Darling or by the Secretary of State for the Colonies?—I should suppose by the Secretary of State for the Colonies.

1223. Then, upon any occasion when the Executive Council is obliged to sit, it does not depend upon the Governor who shall be the members of that Council, but upon the Secretary of State, who has ordered the composition of that Council?—Yes.

1224. The third objection in the protest is as follows: "Because the chief justice is not present at the sittings of the Council, and the very moment of his temporary absence from town, during the vacation, seems to have been seized upon by you," General Darling, "as the fittest for smuggling the report, which is the manifest object of this inquiry." Does it not appear on the Minutes of Evidence, on the opposite page, by a letter from the chief justice, signed Francis Forbes, and addressed to General Darling, that he, the chief justice, had been earnestly requested by General Darling to attend that Council, but that from the circumstances mentioned in that letter, and after consultation with his brother judges, he declined to attend that Council?—Yes, it appears so in that letter.

1225. Consequently, the accusation brought forward by Mr. Wentworth, as regards the chief justice, that he was not present, and for the purpose of smuggling the report, is not an accurate conclusion to come to, inasmuch as General Darling had endeavoured to persuade the chief justice to be one of the Executive Council, but that he could not, for the reasons given, consent to serve upon that Council. Is Mr. Wentworth's protest, in No. 3, under those circumstances, a correct view of the case?—No, I should not think that it was, because I think Mr. Wentworth must have been labouring under a mistake, and could not have been aware of the letter of the 27th of April when he made that protest.

1226. Then it appears that so far from General Darling, in the case of Sudds and Thompson, which was the case under inquiry before this Executive Council, having smuggled the report, he, General Darling, had attempted to obtain the presence of the chief justice who had presided at the first Executive Council in 1826, at the same Council in 1829, when his, General Darling's, conduct was brought in question in the affair of Sudds and Thompson, and that he, the chief justice, for the reasons given in the letter of the 27th of April, felt himself under the necessity of declining to attend; is that not so?—Yes; from this paper Mr. Wentworth could not have known that; he was ignorant of this letter of the 27th of April.

1227. That letter is marked "private," is it not?—Yes.

1228. And commences, "Sir"?—Yes.

1229. Are you aware whether from circumstances that had arisen upon the question of stamps, there was a misunderstanding between the Chief Justice Forbes and General Darling?—I have no personal knowledge of that about the stamps.

1230. Have you heard whether there was a misunderstanding between Chief Justice Forbes and General Darling upon the subject of the stamps?—Not upon the subject of the stamps; but my impression was that Mr. Forbes and General Darling were not upon good terms.

1231. Then General Darling, at the time that he was laying before the Executive Council the letter of impeachment of Mr. Wentworth, was attempting, as far as he was able, to obtain the services of Chief Justice Forbes on an investigation which personally affected himself?—It appears certainly so.

1232. Do you therefore think that Mr. Wentworth would have used the term, "smuggling the report," which he has used, if he had known those circumstances?—I do not think that he would.

1233. Appealing to you in this case, notwithstanding your feelings as regards General Darling, you think in this particular, in the composition of the Council,

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General Darling did not smuggle that report, but endeavoured to obtain the presence of the chief justice?—Yes, as regards the third protest.

1234. The letter is in page 29, of 586: "(Private.)—Sir, Referring to the communication which your Excellency made to me yesterday, that His Majesty had been pleased to relieve me from holding a place in the new Executive Council, and to the offer which your Excellency considerately made of suspending the publication of the warrant appointing a new Council, to afford me an opportunity of attending the investigation of the charge preferred against the report of the late Council in the case of the two soldiers, I beg leave to inform your Excellency, that after consulting with my brother judges, we agree in thinking, that it will be more in accordance with what we apprehend to be the views of His Majesty's Government, in separating the executive and judicial departments, if I, as the chief justice, should take no further part whatever in the proceedings of the Executive Council, and the more especially in the particular case alluded to, as my conduct has been already arraigned with regard to what passed in Council, as being contrary to my oath. I have, &c., *Francis Forbes*"?—Yes.

1235. The Committee come to the fourth clause of the protest of Mr. Wentworth in the case of Sudds and Thompson, "Because it is purely an *ex-parte* proceeding, in which you are represented by the whole Council, who are in fact but your nominees; whilst I, who ought to be equally a party to it, am not invited, or indeed suffered to be present, either in person or by proxy." You have already stated that the members of the Executive Council are nominated by the Secretary of State for the Colonies, and not by the Governor, and therefore could General Darling, after having attempted to retain the services of the chief justice, have composed the Executive Council in any other manner than he did?—No; but I beg to explain, for the information of the Committee, that I have no doubt that if General Darling recommended to the Home Government that any other individuals then in the colony should be added to the Council, his recommendation would be complied with; that is to say, that the Executive Council, though nominated by the Secretary of State for the Colonies, it is generally at the recommendation of the local government.

1236. But for the particular occasion that then had arisen, namely, the letter of impeachment by Mr. Wentworth, which required the Council immediately to be convened, General Darling had no means either of adding to or taking away from the members of the Council upon the spot?—No, I should say not.

1237. Was any member of the Council excluded from that Council who ought to have been there?—Not that I am aware of.

1238. Was any one added to the Council for the purpose of that investigation, who usually was not a member of the Council?—Not that I am aware of.

1239. Then the Council was, for the investigation of General Darling's conduct, conducted as strictly, in the composition of the Council, as the circumstances would admit?—Yes.

1240. In this protest Mr. Wentworth calls the members of the Council the nominees of the Governor, does he not?—Yes.

1241. How is the Executive Council nominated; by whom?—They are generally recommended to the Home Government by the Governor of the colony, and then they are approved of by the Secretary of State in England.

1242. It is not compulsory upon the Home Government to appoint the same persons as are recommended by the Governor?—No, not compulsory.

1243. Is it common for the Home Government to make any alterations?—I am not aware myself; I am speaking of the usual practice.

1244. Is the Executive Council appointed at any particular time of the year?—No; it is a component part of the government.

1245. Of how many members did the Executive Council which has been mentioned consist; the one in 1829?—That consisted of Archdeacon Scott, who was the president, Mr. M'Leay, the colonial secretary, and Colonel Lindsay, of the 39th regiment, the senior officer in the command of the troops, next to the Governor. The Executive Council are by virtue of their office——

1246. Will you name those who were entitled to attend that Executive Council in 1829?—I have named them; those were the three.

1247. Were there any others?—Mr. Forbes did not attend, and the letter which has been read explains why.

1248. Was there any other besides Mr. Forbes?—General Darling did not attend himself.

1249. Archdeacon Scott was a member?—He presided at that Council.

1250. Do you know whether he was recommended to the Government here by General Darling, or was sent out by the Home Government?—That I cannot positively speak of.

1251. Who is the next person?—Mr. M'Leay, the colonial secretary.

1252. Do you know whether he was recommended by General Darling and accepted by the Home Government, or not?—I have no personal knowledge of that.

1253. Who was the next?—Colonel Lindsay, of the 39th regiment.

1254. Do you know how he would take his appointment; would it be by virtue of his office?—By virtue of office, I should say, as next in command.

1255. How long had he held that office?—From his arrival in the colony.

1256. How long was that before the Executive Council met in 1829?—I think he must have arrived in 1827.

1257. From whom did he receive his appointment in the command?—He was appointed commandant of the garrison by General Darling.

1258. Was that two years before this Executive Council met?—Some time after his arrival.

1259. A long time before that inquiry?—Yes.

1260. Who was the next person?—There was Mr. Forbes, the chief justice, but he was not on the Council then; he did not attend it; and General Darling was a member of it as Governor and President of all the Councils, but did not attend that Council.

1261. Was there any other person who had the right to attend, but who did not?—None, that I am aware of.

1262. Was any one of those members that you have mentioned appointed with reference to this particular inquiry?—I should say not.

1263. Would they not have had the same duties to perform; would they not have been called upon to perform them, whatever the inquiry might have been?—I should say so.

1264. Had General Darling the power either of appointing, of his own wish, or striking off any of those who had previously received the sanction of the Home Government?—I have known that he has done so with the clerk of the Council, but I should say not with the members; but he has, as Governor, the power to suspend any individual from office that is under him, as a general power.

1265. But supposing that a short time previously to this inquiry a certain number of persons were entitled to serve on the inquiry, would General Darling have any power of altering the number of persons without communicating with the Home Office?—I have known General Darling order Archdeacon Scott down to Van Diemen's Land on a visitation; in that case he must have been absent from any meeting of the Council.

1266. That was by sending him to perform his duties elsewhere; but has he removed any from the power of attending, except in such a case, when other duties were to be attended to?—No.

1267. On this particular occasion did he send anybody away to perform duties elsewhere who would have been entitled to have been on that Council?—No.

1268. Could any one of those three be called the nominee of General Darling, in any other respect than his having put down his name for the approval of the Home Office; could any one of those names be sent home by General Darling, with reference to that particular inquiry?—No; I should say not.

1269. How could Mr. Wentworth have been a party to that proceeding; was he entitled to attend the Executive Council?—No; but the Council were called upon to investigate a charge made by Mr. Wentworth. General Darling states the charge, and then convenes the Executive Council, and Mr. Wentworth says, "I ought to be a party present, because I ought to cross-examine the witnesses."

1270. Could he have any power to serve as a member of the Executive Council?—No.

1271. Was not this inquiry before the Executive Council a preliminary inquiry in 1826 and 1829, for the information of the Secretary of State?—Yes.

1272. Not an inquiry to proceed to punishment; not a trial?—No, it was in the nature of an inquiry.

1273. You say that the archdeacon was a member of the Council; was not he a member of the Council *virtute officii*, as archdeacon?—Yes.

1274. How long had he been so?—I believe from his arrival in the colony.

1275. He arrived in the colony as archdeacon?—Yes.

1276. And

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1276. And was sent out from England as archdeacon?—Yes.

1277. He was not appointed by General Darling a member of the Council at all?—No.

1278. By virtue of his office he became a member of the Executive Council?—Yes.

1279. As to the colonial secretary, is not the colonial secretary universally a member of the Executive Council?—That I cannot say; when I was there he was, but I do not know whether the former secretary was.

1280. Is it not consistent with your knowledge, that the colonial secretary, Mr. M'Leay, had been colonial secretary under the previous Governor, under General Sir Thomas Brisbane?—I think Mr. M'Leay relieved Major Goulburn there; whether it was during General Darling, or Governor Brisbane, I cannot say. I found him there when I arrived in 1826, but his appointment will be found in the papers.

1281. Did he go out as colonial secretary?—Yes; he was sent to the colony.

1282. Appointed by the Home Government?—Yes.

1283. Not a nominee of General Darling?—As a colonial secretary he was sent out by the Home Government.

1284. And by his office of colonial secretary, he was a member of the Executive Council?—Yes.

1285. Then he was not a nominee of General Darling?—No, not in that sense.

1286. Colonel Lindsay was the senior in command of the troops in New South Wales?—Next to the Governor.

1287. Was he not *virtute officii* a member of the Council?—Yes.

1288. Was it by means of his rank that he was a member?—Yes.

1289. And he was not a nominee of General Darling?—Not in that sense.

1290. Was he in any sense a nominee of General Darling; the second in command of the troops, a man to be presumed a man of high honour and reputation, do you set him down in any sense as the nominee of General Darling?—Not of the Executive Council.

1291. In any way?—General Darling might send him out of the country, and order him on any duty. With reference to the Executive Council, he was not.

1292. Then there is no other person but those three gentlemen who were members of the Council at that time; those three gentlemen all attended, and not one of those three gentlemen were nominees of General Darling; is it so?—Yes.

1293. How is it that you stated before that some of the members of the Executive Council were appointed by the Home Government on the recommendation of General Darling?—I can explain it at once: if a governor of a colony (I am not speaking of General Darling alone) should recommend an addition to the Executive or the Legislative Council, and were to nominate the head of the customs, or other head of a department in the colony, to the Secretary of State for the Colonies, as a member of the Council, it would be usually complied with.

1294. But in point of fact, had General Darling, with reference to this particular inquiry, appointed or recommended any one of those individuals to the Home Government to be a member of the Executive Council?—I have no knowledge of the fact myself.

1295. Do not you know that he had not?—How can I know? this Committee has warned me not to state anything but what I knew myself; if General Darling had written to the Secretary of State, how am I to know what he has written?

1296. Every one of those appointments having been admitted to be held in virtue of the offices which those individuals possess in that colony, how could General Darling have any influence in their appointment?—I never said that he had. I do not mean to insinuate that General Darling appointed them; all that I mean to say is this; I am asked to explain how it is that General Darling could recommend a man as a member of the Council——

1297. With reference to this particular subject of inquiry before the Executive Council, did not the acting attorney-general, Mr. Moore, as he states in a letter of the 8th of May, at page 23, 586, use the following terms: "In my conversation with the Governor, previously to my waiting on Mr. Wentworth on the occasion alluded to, he desired me to tell Mr. Wentworth that he was willing or anxious to submit the whole facts of Sudds and Thompson's case to the law authorities here, to judge whether he had acted illegally or with improper severity, considering the circumstances of the case, and that if he, Mr. Wentworth, would advise or point out any method of so bringing it before the cognizance of the court here, he (the Governor)

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Governor) would follow the method he would point out for that purpose. I told the Governor that no proceeding of the kind could take place in the colony. I think he replied that I might as well tell Mr. Wentworth so, and that he, the Governor, would concur with him in any measure for that purpose. At any rate I did repeat that part of the Governor's conversation to Mr. Wentworth, and he was of my opinion, that no such line of proceeding could be adopted." The opinion of the acting attorney-general having been, that General Darling had no other means of obtaining a preliminary inquiry than that which he issued, and as it appears that the members of the Executive Council could be no other than those who were convened upon that occasion, can that clause in Mr. Wentworth's protest against the constitution of that Council be justly found fault with?—I have no hesitation in saying, with reference to this fourth clause of that protest, where it is represented, "the whole Council, who are, in fact, your nominees," that I do not think that that is strictly the fact, that they were the nominees; I should state that they were not the nominees of General Darling.

1298. At page 58, 586, you will perceive that there is an extract of a letter from Mr. Wentworth, in which he particularly finds fault with Chief Justice Forbes for having attended at the previous inquiry at the Executive Council in 1826; does he not use these words? "My only surprise is, that the chief justice should have so far descended from his high estate as to lend the sanction of his presence and his name to such a course of proceeding. He at least ought to have known better things. It was his duty, I conceive, as principal coroner of the colony to take care that no mock tribunal should be substituted under his sanction for the ancient inquest of the common law." The Committee infer from that passage that Mr. Wentworth, as a lawyer, was of opinion that the chief justice, who was present in 1826, ought, as the principal coroner of the colony, to have insisted on an inquest upon the body of Sudds; do you think that that is an inference to be drawn from the passage?—I think the inference to be drawn is this, that as the chief justice was, by virtue of office, the principal coroner of the colony, he holding the high judicial situation that he did in the colony, should have protested against any mode of procedure that was not exactly legal; that the object of this proceeding in itself being the accusing General Darling, on the part of Mr. Wentworth, that it was the duty of the chief justice to have pointed out that that was not the proper mode of investigating it, or that they were not a proper tribunal.

1299. Was there a coroner in the colony?—I do not think that there was; I believe it was after 1826 that the coroner had arrived; but somebody was to act; I believe the sheriff always acted in the capacity of coroner before his arrival.

1300. But a coroner's inquest was not called, and the chief justice being, in the opinion of an eminent lawyer, Mr. Wentworth, who makes this charge, the chief coroner of the colony, if any blame is attributable to no inquest having been called, the chief coroner having been upon the spot, is the blame attributable (if any blame is attributable to any person) to General Darling or to the chief justice, bearing in mind that in the opinion of an eminent lawyer, Mr. Wentworth, the chief justice is the coroner of the colony?—As a matter of opinion, I should think that under any peculiar circumstances coming to the ears of the Governor or the chief justice, either the one or the other of them, from their high situation, they would take notice of it.

1301. The next passage to that is this, "It was his duty," namely the chief justice's, "I conceive, as principal law adviser of his Excellency, to have pointed out to him the gross indecency and unconstitutionality of presiding in a case where he himself was to be judged." This alludes to the Executive Council; upon that passage does it not appear, in the opinion of Mr. Wentworth, that General Darling had in 1826 at his elbow, and as his law-adviser in the case of Sudds and Thompson when it came before the Executive Council, the chief justice of the colony, who was bound by virtue of his office, in the opinion of Mr. Wentworth at least, to have cautioned General Darling as to the illegality or impropriety of his conduct?—Most undoubtedly.

1302. The next passage is: "It was his duty, I conceive, at least after the case of Sudds and Thompson was brought under his official notice, to advise his Excellency against further perseverance in the illegal punishment which the survivor Thompson was undergoing." Do you know whether Chief Justice Forbes did at the Council make any such protest to General Darling; or whether, on the other hand,

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hand, he ever issued in writing an opinion concurring in the line of conduct adopted by General Darling in the case of Sudds and Thompson?—I have no personal knowledge of what took place in the Council, further than the Parliamentary Papers afford me; but Mr. Forbes himself subsequently told me of having recommended the irons to be taken off Thompson after he had seen him; that was some period afterwards, perhaps a fortnight or three weeks.

1303. But the opinion given in the memoranda of Chief Justice Forbes, is, that the punishment was not too severe?—That memoranda clearly goes to prove that what General Darling was doing was legal.

1304. That memoranda in the handwriting of Chief Justice Forbes, clearly proves that General Darling was justified in the step that he took in the case of Sudds and Thompson?—In the opinion of the chief justice, if that memoranda is genuine.

1305. And that the chief justice was, in the opinion of the eminent lawyer who makes this letter of impeachment, the law adviser of General Darling, from his official situation in the colony, being in the Executive Council?—Yes, that is quite clear; but he had other law advisers, he had the attorney-general; but in the Council he had the chief justice.

1306. The Committee wish to call your attention to the 4th clause of the protest; Mr. Wentworth says that he was "not invited, or indeed suffered to be present, either in person or by proxy." Do you happen to know that to be the fact?—Yes; I had it from Mr. Wentworth himself.

1307. Do you happen to know whether the witnesses upon that occasion were cross-examined; were you cross-examined?—There is my examination there, and I should say not; a person puts a question to me, and another does; and is that a cross-examination?

1308. Was it such an examination as was calculated to elucidate the truth?—Certainly not; not the whole truth.

1309. It was an examination all on one side?—Yes; what he calls *ex-parte*; it was to get at only so much as they wanted.

1310. Were any other parties summoned besides those whose examinations we have in the paper?—I have no personal knowledge of that at the moment; I do not recollect that.

1311. Do you know whether any opportunity was given for persons to bring forward or send further testimony besides those examined?—I know that there was no opportunity given to the opposite party; that it was, as I stated before, an *ex-parte* examination; that there were certain parties called by the Executive Council, and that the opposite parties were not allowed to bring their witnesses.

1312. Was any notice of the meeting of the Council served upon Mr. Wentworth, or was he allowed to suggest that any witnesses should be examined?—No; I have heard him complain that no such course was adopted.

1313. Do you know of this: "Because it has come to my knowledge that some of the most unexceptionable of the witnesses who have been examined have been suddenly called upon;" do you know whether they were?—I know in my case it was so.

1314. You had no opportunity of refreshing your memory after an interval of two years?—No.

1315. Is not that considered the best test of the credibility of a witness, that, being examined upon the spot, and without communication with any witnesses, he gives the impression upon his mind?—As a general thing it is so; but where attention is called to minute facts, it would require refreshing the memory to call to mind every minute fact.

1316. You were examined there?—Yes.

1317. And at that time you were known not to be on good terms with General Darling?—Yes; but I was summoned by the Executive Council.

1318. Then it appears that they not only summoned those witnesses who were supposed to be favourable to General Darling, but those witnesses who were known not to have any favourable leaning to him, but to be at variance with him?—I am speaking of my own case; but the whole of that Council's meeting in a great measure was connected with me; if you will refer to Mr. Wentworth, it is, "I charge you to do so, while Captain Robison is present;" therefore the *onus* was to produce me.

1319. And you were at that time known to be at variance with General Darling?—Yes.

1320. And you had expressed upon this particular subject, previously to that, immediately

immediately upon your dissent on Emu Plains, a very strong opinion adverse to General Darling?—Yes; with reference to those irons.

1321. Had you also expressed a strong opinion against him after your return from Emu Plains?—Yes.

1322. Were there other witnesses unfavourable to him?—I do not think there was one witness who had not received favours from General Darling.

1323. Do you consider that you were fairly examined upon that occasion?—No, not as I should be in a court of law, or in any court where they wished to get the truth.

1324. Were you stopped in giving your answers?—Yes; and so much so, that I was obliged to protest; and before I signed my statement, I insisted upon having my protest put in at the bottom of it.

1325. Does that protest appear upon the minutes?—Not where it occurred; but it is mentioned below, not in the part where it occurred.

1326. Is your protest set forth at length?—Not in my words, to the best of my recollection.

1327. Were you called upon to swear to what you had stated at any time?—No.

1328. Is there not a reason given for your not having been called upon to swear to the evidence that you gave?—Yes, at page 9, 586, it is said, that "Captain Robison, previous to signing the statement which has been now taken from him before the Executive Council, begs most respectfully to submit his dissent as to the propriety and competency of the present tribunal to enter upon the matter upon which his statement has been taken."

1329. But you were called upon to look over the questions and answers that had been given to you, and you signed them as being faithful on that occasion?—Previously to putting in the protest.

1330. Then the Committee understand from you, that your evidence, as recorded in the Parliamentary Paper which you hold in your hand, is the faithful record of the evidence which you gave on that occasion, as it is signed by yourself?—Yes, but not the whole evidence that I could have given; it was merely question and answer.

1331. By the minute of Council you plead that the protest should be entered upon the minutes, not that it should be appended to your examination?—The examination is upon the minutes.

1332. And the protest is also upon the minutes?—Yes; but it was to accompany my examination.

1333. But you signed your examination, knowing that the protest did not form part of your examination?—That is what I complain of, that the protest did not accompany the examination.

1334. But it is said here, that "Captain Robison, previous to his signing the statement which has been now taken from him before the Executive Council, begs most respectfully to submit his dissent as to the propriety and competency of the present tribunal to enter upon the matter upon which his statement has been taken;" that is page 9; that protest is signed by you?—Yes.

1335. And your statement is also signed by you?—To the best of my recollection, this protest of mine was immediately after my examination. When they handed me the paper to sign, I said, "Yes; but before I sign it, I put in this protest:" it ought to appear immediately under my examination.

1336. Do not you see that in the case of all the examinations and the minutes, the minutes of the proceedings are separate from the examinations; all the minutes are entered consecutively, and numbered consecutively from one to 20, and then the examinations begin. Will you turn to page 17 of 586, you will find there "Appendix to the Minutes of the Executive Council, from No. 8 of the 4th, to No. 20 of the 21st of May 1829, inclusive." That is the heading?—Yes.

1337. Then follows the Appendix, containing the examinations, quite separate from the minutes?—Yes.

1338. The minutes come first, then there is an Appendix containing the examinations of the witnesses?—Yes.

1339. And the protest which you applied to be placed upon the minutes, appears upon the minutes, and your examination in the ordinary course appears in the Appendix?—No, that is not the case; if the Committee will refer to the Parliamentary Paper, they will find that my examination took place before the Executive Council on the 8th day of May; if they will refer to the minute, they will find

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find the protest, which took place on the 8th day of May, entered on the 7th day of May.

1340. Were you sworn to your deposition before the Council?—No.

1341. Were other witnesses sworn that you know of?—I have heard that they were; and I see in the Parliamentary Paper that they were.

1342. Do you know how it happened that you were not sworn?—To the best of my recollection, it was because I had protested to the propriety and competency of the tribunal.

1343. But persons are usually sworn before they give their evidence?—Those persons who were sworn were sworn afterwards.

1344. But you were not one of those who went before a justice of the peace to swear to your evidence?—I was never asked, and never did.

1345. How long before you appeared at the Executive Council was it that you received your summons to attend there?—To the best of my recollection, I received the order from the clerk of the Council to attend immediately. It was put "immediately" on the letter.

1346. Were you examined on the same day on which you received your summons?—To the best of my recollection, I was.

1347. By whom were you examined?—The Council generally; the same as I may be examined here, one gentleman puts a question, and another.

1348. Several persons examined you?—The Council generally, but I think it was through the clerk of the Council.

1349. Did three or four persons suggest questions to you?—Yes.

1350. Now the Committee beg you to consider the answer you give to the question now put; upon your credit before this Committee, will you state which of the members of that Council interrupted you or prevented your finishing any evidence you gave?—I have no hesitation in stating Mr. M'Leay did. I was obliged to state to Mr. M'Leay that I was there to give my answers, and if he wanted me to give a certain answer, he had better answer it himself. I recollect being obliged to stop him in that way, that they wanted a certain thing, and they did not want to know what I said.

1351. Who was that?—Mr. M'Leay.

1352. Did he say, "We do not want to know this or that, but so and so"?—Mr. M'Leay interrupted me.

1353. Will you state specifically, upon your credit, upon what gentleman you will venture to fasten the charge of having prevented you from concluding any sentence, or from giving any evidence which was relative to the matter?—Mr. M'Leay interrupted me in part of the answer that I was giving at that time before the Executive Council, and I have a perfect recollection of objecting to Mr. M'Leay stopping me in giving my answer.

1354. What was the question, and what was the answer, in which you say you were interrupted?—In my evidence (but it is some years ago since), page 24 of 586, you will find there that a question is put to me, "Was any more than one set of irons shown you at that time?" Then I began answering the question, "What was called the irons that had been placed on private Patrick Thompson, of the 57th regiment, consisted of an iron collar, with two projecting spikes," and I was going on giving a description of those when I was stopped by Mr. M'Leay, and referred to the question; I have a recollection of that.

1355. The question was, "Was any more than one set of irons shown to you at that time?" and instead of answering that question you travelled into an answer specifying the particular character of a certain set of irons; was that an answer to the question that was put to you?—It was an answer, in my opinion, to the question that then was put to me.

1356. Is it an answer to the question, "Were there one or two?" to say that one consisted of such and such ingredients?—Not a direct answer.

1357. Then what you mean to say is, that you were interrupted by the Council, and desired to confine yourself to a direct answer when you were giving an indirect one; is that the fact?—As far as that answer is concerned, it was not direct.

1358. Is there any other instance in which you can charge that or any other gentleman with having prevented you from stating that which you were desirous of stating?—No, not to my recollection.

1359. What was it that you were prevented from stating when you were interrupted in the course of that question?—To the best of my recollection, it was in the

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description that I was giving of those irons, and the effect that they had upon me when I tried them on at Emu Plains; something of that nature.

1360. What you were interrupted in, was in giving your account of the irons themselves, and the effect they produced upon you?—Yes.

1361. Was not a question put to you at the conclusion of your examination, which enabled you to state what, on the first question being put to you, you were interrupted in stating, as follows: "What is your idea of the weight of the chains you tried on at Emu Plains, and those you now see?" Did you not then state what your impression was with respect to those chains?—Yes; but I think it very probable that that question might not have been put if I had not drawn it on me by the previous answer.

1362. But all that you wished to say you had thus an opportunity of stating; that which you wished to state on the third or fourth question, you had an opportunity of stating in answer to the last?—Yes.

1363. The Executive Council then, did not, in point of fact, suppress any part of your examination?—No, not as far as the questions; but I was very anxious to say more; I was confined to answer the questions that were put to me, as I may be now.

1364. Did you express to the Council an anxiety to state more?—It is my general impression that I did; that my intention was explanation, that I was going into explanation, as far as I can recollect at this time.

1365. Was that expression of yours conveyed to the Council before you signed what you called your protest?—Clearly so.

1366. Upon turning to your protest, the Committee find that you submit your dissent as to "the propriety and competency of the tribunal;" how does it happen that you did not embody in that protest any complaint with respect to the repression of the matter which you had tendered to the Council?—I thought that protest sufficiently comprehensive of my dissenting from the procedure of the Council.

1367. Do you mean to say that you considered the protest against the jurisdiction of the Council as a sufficient protest against the repression of any passages that you wished to state in evidence?—No; but I use the word not only the "competency," but I have previously used the word "propriety," "the propriety and competency."

1368. Competency you put out of the question; read the words as if they were as to the propriety of the present tribunal to enter upon the matter; do you think those words sufficient to convey disapprobation of the mode in which your examination had been conducted?—Yes; I conceived that this protest of mine was quite sufficient to convey the idea of the impropriety of the examination by the Executive Council.

1369. What you are asked is, whether you considered, or whether you now consider, or whether you believe that any man can consider that this protest of yours against the propriety of entering upon the matter conveys and includes a protest against the mode in which that examination was conducted?—Yes, I do; I think that that protest is sufficiently comprehensive to convey that.

1370. What persons are there besides those who were examined before the Council, whose evidence you think would have been necessary for the elucidation of the truth?—I should think those persons who witnessed the ceremony itself on the parade and various others.

1371. What others?—It was known that a man of the name of Head, who stated in an affidavit that he carried those irons from Thompson's prison to the government house at Emu, ought to have been examined; his affidavit is amongst those King's Bench papers.

1372. Did you suggest to the Council the propriety of examining him?—No.

1373. Had you any opportunity?—There was an opportunity if it had struck me; I was only once before the Executive Council.

1374. It did not strike you?—It did not, or if even it did strike me, I do not think it would have been of any use.

1375. But you do not remember that it struck you?—I do not remember.

1376. Was there anything in the affidavit of Mr. Head, which in your opinion required his examination before the Executive Council, except his conjecture as to the weight of those chains, which, in fact, the Executive Council had weighed?—Yes, I think their identity.

1377. Do you mean to make it then a matter of imputation upon the fairness of the Executive Council, that Mr. Head, whom it did not strike you to examine,

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was not examined by them?—I mean to say that the best evidence should always be got at.

1378. (*The question was read.*)—Yes, I do him, as well as others.

1379. What other evidence is there which you mean to make it a matter of imputation that the Council have improperly excluded?—I think they ought to have had the other soldier Thompson himself, and such others as I do not really recollect their names at this moment, but which I could furnish by to-morrow if it was necessary, as were then in the colony, who could speak positively to the facts.

1380. Having made it a matter of imputation upon the Council that they improperly excluded evidence for the purpose of getting what they wanted, and only what suited themselves, and having considered this subject, as you have done for several years past, do you mean now to tell the Committee that you cannot mention that evidence which you accuse them of improperly excluding?—I do not mean to tell them so; but I only mean to tell them, if they will give me a little time to recollect the names of those persons, I think I could furnish them to the Committee.

1381. If you do not remember the names of the persons, what are the facts which you suggest to have been repressed?—Some of the chief facts that immediately strike me, are the peculiar construction of the chains themselves, and the effect upon the soldier Sudds, when the irons were placed on him in the barrack-square.

1382. Were not the chains, the description of which you say it was necessary to obtain from witnesses, actually themselves present before the Council during the examination?—Yes.

1383. What then could the Council have learned from evidence with respect to the construction of those chains, which they would learn still better from the inspection of the chains themselves?—They could have heard, from the mouths of the people who witnessed it, the effects produced upon the man at the time.

1384. The Committee ask again, with respect to the construction of the chains, which you have separated in your former answer from the effect produced upon the man, what the Council could have learned with respect to the construction of the chains, which they could not better learn from the chains themselves, then present before them?—As far as the chains were concerned, having the original chains before them, they could learn nothing more as to that, as to the chains themselves.

1385. Then why did you make it a matter of imputation upon the Council, a very serious, grave imputation, that they omitted to call witnesses who might inform them of matter which it was necessary for them to be informed of, and which matter consisted, in one of its circumstances, of the construction of those chains?—It is a mere matter of opinion of my own, and I am speaking of a matter of opinion. I am asked why I do so and so; I am thinking that the best evidence should always be got at.

1386. Having disposed of the imputation with respect to the chains, was not Colonel Shadforth examined before the Council?—Colonel Shadforth was examined before the Council, but I think that if Mr. Wentworth had been present at that Council, and cross-examined Colonel Shadforth, more information as to the truth would have been got at than in his examination before the Council as it actually was.

1387. Was Colonel Shadforth examined as to the effect produced by the chains upon Sudds and Thompson?—It is so stated in the Parliamentary Paper; I was not present when Colonel Shadforth was examined.

1388. Have you any doubt that Colonel Shadforth was examined before the Council?—I have no doubt that he was.

1389. Was Colonel Shadforth present upon the parade when the chains were put upon the men?—Yes.

1390. Is he an intelligent officer?—I should say so.

1391. Then what suppression could there have been, as imputed by you to the Executive Council, of the facts relating to the impression produced upon the men, if Colonel Shadforth, who was a witness of those facts, was present, and examined before the Executive Council?—You may get a fact, but not the whole of the facts; and if Colonel Shadforth had been subjected to a rigid cross-examination, such as I am at this moment, I should think a vast number more facts could have been got at than what appear before the Executive Council in the Parliamentary Papers.

1392. Do you mean to change the imputation which you just now made upon the Council, of wilfully suppressing evidence, into an imputation of their not allowing a stranger to be present for the purpose of cross-examination?—I do not mean to change at all; I do not understand the word in the sense there; I merely express a general fact which everybody must know, that if a person is examined as to a fact that he may state a certain portion only of that fact, and that cross-examination would bring out or elucidate a deal more relative to that fact, or relative to the transaction to which he might be examined.

1393. Having gone through the particulars of suppression originally intimated by you, have you any other suppression to impute to the Executive Council?—I impute to the Executive Council a general suppression, and if I can express my meaning more clearly by stating that those individuals examined, if they were upon their oath, would state the truth, the whole truth, and nothing but the truth; now, in the examination of them before the Executive Council, they may have stated the truth, but not the whole truth.

1394. The Committee ask you, what circumstance of truth was wilfully excluded by the Council?—How can any man living answer that, without the whole truth was given?

1395. What circumstance of truth do you know of as having been excluded, which justifies you in the imputation of exclusion which you have made upon the Council?—The asserted extreme lightness of the chains themselves was one of those circumstances, and the effect upon the soldier was another. I mention those two, because, out of the numerous people that were present on the parade, there might have been some of the soldiers or officers more than Colonel Shadforth brought forward before that Council and examined.

1396. Does your answer, then, resolve itself into this, that the Council did not call all the witnesses who could have given them information upon the subject, when they had already received that information from Colonel Shadforth?—Yes; I think they would have necessarily had more information or more elucidation of the truth of all connected with the punishment, had they had more than Colonel Shadforth who witnessed it, before them.

1397. Are you aware that Mr. Icely, the magistrate, was examined, who followed the men to the barrack-yard with their irons on, on their way to the gaol?—I am aware, from the Parliamentary Papers, that Mr. Icely was examined, and I am also aware that both myself and Colonel Shadforth differed in the evidence he gave as to the fact of the levity of the prisoners.

1398. As to difference of opinion between military men; what were, in your estimation, the number of men present on that parade?—I should say a few hundreds.

1399. Were there 1,000 men on that parade; were there not parts of three regiments?—Perhaps not so many.

1400. How many?—That I cannot state; there were three sides of a square; there were several hundreds.

1401. The chains having been placed before the Council, and the Council having examined Colonel Shadforth and Mr. Icely, both of whom saw the men ironed upon the parade, or in their way to the prison, what further facts are there which you suppose that any witness could have stated to the Council, but which you had any reason to suppose the Council wilfully prevented from appearing before them?—I think the Council might have had better information if they had called the people that attended Sudds in the gaol, and had seen the state that Sudds was in at the gaol.

1402. Are you not aware that the gaoler was called?—I am aware that the gaoler was called, but in my allusion to the Executive Council, the chief objection that I have been raising against them was, that the witnesses were, in the first place, not subject to the examination of Mr. Wentworth, who preferred the charge, and who of course had the greatest interest in proving the truth of what he had charged the Governor with, and consequently he would have been the best judge of who it would be necessary for him to call to prove those facts, the Council having had only before them such witnesses as they thought proper to summon.

1403. Have you then, after all your answers, any imputation to make upon the Council with respect to the mode of conducting the examination as to Sudds and Thompson, except that they did not permit Mr. Wentworth to be present at the examination?—No, I do not recollect any other.

1404. Is there any part of the evidence which you gave before the Executive

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Council at that time suppressed in the printed papers?—No, not that I am aware of.

1405. No part of the evidence that you gave then is suppressed?—Not that I am aware of.

1406. Is any part of it altered?—I think so.

1407. How?—Having the protest taken out before I would sign it; and if the Committee will refer to the minutes of my examination, they will find that my examination before the Executive Council is at page 24 of the Parliamentary Paper, 586; they will there find that examination; but previously to my having signed the paper, as it purports to be here, I had annexed that protest, as appears on reference back again to No. 9 of the same paper, under a proceeding of the 7th May, the day previously, therefore it must be obvious that that part is garbled.

1408. But, except with reference to that protest, is there any part of that evidence which you are of opinion they have garbled or suppressed?—I am not aware of any.

1409. Does it not appear on the face of the papers, that though that protest, as entered under Minute No. 11, and under date the 7th of May 1829, the protest itself is dated on the face of the paper the 8th of May 1829?—Yes; but at the same time it tends to mystify the proceeding.

1410. Do not you also perceive, in reference to the Appendix, page 20, that the names of the witnesses examined on the 7th of May are omitted in Minute No. 11?—Yes.

1411. You will find that the names of Mr. Henry Moore, Mr. Henry Steele, and Captain Robison, who were examined on the 8th of May, are included in that Minute?—Yes.

1412. And you will also find, that the Minute No. 12 is not included between Minutes 11 and 13?—Yes.

1413. Is it not quite clear upon the face of this paper, that the omission of No. 12 is a mere accidental mistake, and that the erroneous date is owing to an error of the copyist, or to an error of the printer; do not you, upon the whole consideration of the facts, believe that to be the case?—Yes.

1414. Except in that single point of your protest, is there any part of the evidence which you gave on the 8th of May before the Executive Council suppressed or garbled?—No; but I naturally looked for my protest in the place that I had given it, under that date, and not finding it there, but in another part of the paper, with my signature to it, that certainly appeared to me to mystify the proceeding in the way I explained.

1415. Does it now appear to you that there is any intention of garbling the fact?—I cannot understand my signature being in two parts of the book, as there was but one signature of mine.

1416. Are you positive of that?—I think it was.

1417. Can you assert positively that you did not sign the protest?—To the best of my recollection there was but one signature.

1418. You are not positive?—I do not see how I could have signed twice. I was before the Executive Council on the 8th of May, and signed that, therefore I am almost as positive as of my own being, that I signed only one, and I give the reason, that I was only once before the Council.

1419. Is it not very possible that you might have signed your name twice?—I think not, because I was very cautious before I signed the thing to have the protest entered.

1420. Did you sign your name and your description?—Yes.

1421. Will you just look at the signature to the examination, page 24, and you will find there that your signature is "R. Robison, Captain N. S. W. R^{l} Vet^{n} Co^{y}," and then in the other place it is "R. Robison, Capt. N. S. Wales R^{l} V. C." Do you think, looking at the difference between those two signatures, that it is clear that you signed only one upon that occasion, and that they not only have forged your name, but have altered and varied the mode in which it is signed?—I can give the explanation to the Committee at once: the Executive Council took down the evidence; I stated that I would not sign it until I had put in my protest; while the clerk was taking down my protest, I think I said that is not the word, and so on, and he said "You had better write it yourself;" and I wrote it, and then handed it to him, and said, "There is what I mean; that is my protest." Now, my signature might have been in that protest that I wrote for the guidance of the clerk of the Council; I think it not unlikely that that

piece

piece of paper might have my signature, and then of course after it was written down by the clerk of the Council, I signed the evidence.

1422. You mean that you wrote your protest at the foot of the evidence?—No; there might be two signatures in the way I mention.

1423. Do you think you wrote two copies of the protest, one at the foot of the evidence besides that one?—No; I think the whole evidence is taken in the hand of the clerk of the Council, and on my putting in my protest, it would be entered in the minutes by the clerk of the Council, and my signature to it, therefore there might have been two signatures in that way.

1424. Except then with reference to this matter of the protest, there is no suppression whatever of any part of your evidence that you gave before the Executive Council on the 8th of May, in the Parliamentary Paper?—No, I do not think that there is.

1425. Have you not in your pamphlet, page 8, rather hastily and incautiously made this statement, "There is, in addition to the above, another fact, that the most important part of the evidence of Captain Robison, of the Veterans, taken before the Executive Council in New South Wales, and which went most clearly to establish the false statements in General Darling's defence, as to the weight and construction of these torture irons (Captain R. and another military officer having put them on their own persons, after Sudds's death), is, as far as the Parliamentary Paper goes, most garbled and incomplete"?—It certainly is so; I now see that which I should have seen had I gone very minutely into this, that the protest is on the proceedings; but at the time that I must have written this, most likely seeing my evidence without the protest, it gave me an erroneous idea.

1426. Then that passage in that pamphlet was written through misconception and through error, and is not founded in fact?—Yes.

1427. When you were examined before the Council, could you have stated more than you were allowed to do?—Certainly.

1428. Could you have stated anything relating to what passed in the barrack-yard?—Yes.

1429. Do you consider that an imputation upon the Council that they did not call upon you for the statement of all that you knew, instead of giving you a specific examination?—Yes, that I conceived to be wrong in the Council.

1430. Was Colonel Shadforth called upon to give a statement of all he knew, or was he examined as to particular facts?—He was examined in the same way as I was, as to particular facts, and not subject to cross-examination.

1431. And that was the case with all the witnesses who were examined?—I have understood so.

1432. As a consequence of the exclusion of Mr. Wentworth, those examinations were so carried on by the Council?—Clearly there was only the Council themselves; there was no opposition, if I may so term it.

1433. Was it not an imputation also upon the Council that there were other persons who were acquainted with the circumstances of the case, whom they did not call before them?—Yes.

1434. And now have you stated the whole of your imputations upon the Council, with reference to the conduct of this inquiry?—If I were to read over all my papers and those things, I have no doubt that many things might strike me that do not at this moment.

1435. If you take the Paper 586, page 10, there is this passage: "The proceedings of the Council, dated the 8th and 9th of December 1826, were compared with the copy printed by order of The House of Commons on the 14th July 1828, when only a few clerical and typographical errors were discovered, but not in any way affecting the sense of the minute." The first minute in the printed copy is dated 5th December, and in the original minutes the 8th of December; the second minute in the printed copy is dated the 9th of November, instead of the 9th of December. There appears also to be an error in the date of Mr. M'Leay's statement, which on the 9th of December must have been given in without any date, and without being sworn to, and afterwards sworn to by desire of the Council." With regard to the typographical mistake of the 9th December, instead of the 8th, that is explained by this minute, and this paper has been issued since the 1st July 1830. If you will turn to page 13 of your printed letter to the Members of The

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House of Commons, you will find the following passage : " General Darling swears that a council was held on the 5th day of December 1826, and on some subsequent days, when witnesses were examined touching the death of Sudds, for the information of His Majesty's Secretary of State for the Colonies. Thus this Executive Council must have been engaged for at least three days. The report of their proceedings is sent home. I ask whether it is possible that this can have been a faithful report? Can it be believed that a correct narrative of three days' examination could be comprised in such a narrow compass? The importance of this remark will be felt when it is considered that this inquiry was avowedly instituted by General Darling with the object of informing the Government of the true merits of the case upon which he anticipated inquiry; some portion of the evidence taken must necessarily have been suppressed." As late as June 1835, in addressing the Members of The House of Commons, upon evidence which you state has been *verbatim*, and fully put by you in your affidavits, you have recourse to this argument; you here charge General Darling with suppressing some portion of the evidence which must have been taken, and you also ask whether this could have been a faithful report. Having heard the explanation which was in the Paper of July 1830, and which was in your possession; being now apprised of this error, are you not anxious to rectify it by informing the Committee, that upon that point at least you have been in error?—I have no hesitation in stating distinctly at once, that now that this passage is pointed out to me, I have been in error. I beg to explain, that this part of the letter to the Members of The House of Commons had struck my legal adviser; it was more his suggestion and opinion upon reading the case; but it does not take from me the necessity of saying that it is an error.

1436. Do you not conceive that it is possible for you, in viewing this case of Sudds and Thompson abstractedly, to have been excited by a sense of the injury which you think was inflicted upon you by the court-martial, and so take a view of the case of Sudds and Thompson, where General Darling was concerned, much stronger than you otherwise would have taken, had there been no sense of injury on your part?—There can be no question that I cannot be an unprejudiced person.

1437. Does not this passage in the letter to The House of Commons show that you have, in this instance of Sudds and Thompson, an interested motive in endeavouring to fix the culpability on General Darling? the words are as follows, in page 8 : " Confining myself, then, to more important matters, I advert only to the two great points at issue between me and my prosecutor; I have complained of a great private injury and a still greater public wrong; I have never pretended to the merit of exclusive devotion to the public good, and therefore I do not hesitate, even on this occasion, to avow that I revived the subject of the manslaughter of Sudds with the intention of more effectually exposing the character of the man to whom I owe all my own misfortunes. It is perfectly obvious that if General Darling criminally accelerated the death of Sudds, he may be presumed guilty of oppression towards me; that if he endeavoured to falsify the evidence of Sudds's death, he has laid himself open to the suspicion of having suborned false testimony upon my trial; that if he corruptly swayed the Council of Inquiry of 1826, he may be presumed to have exercised similar influence over the court-martial of 1828; that if he suppressed the evidence on the first occasion, he is open to the imputation of having falsified the minutes upon the last." That passage is in your letter, and as it is in itself, as well as the answer to the former question, an admission that you may be excited in this case of Sudds and Thompson against General Darling, the Committee would put it to you, whether you do not think that much of that feeling may have actuated you in the error you have committed in this pamphlet? —Yes, it may certainly.

Jovis, 27° die Augusti, 1835.

JAMES OSWALD, ESQUIRE, IN THE CHAIR.

Mr. *Norman M'Lean*, called in; and Examined.

Mr. *N. M'Lean.*

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1438. WERE you in Sydney in the month of November 1826?—I was.

1439. In what capacity did you go to Sydney?—I left home in the latter end of 1825; I arrived in Sydney, New South Wales, in the month of March 1826; I am professionally an agriculturist.

1440. How long did you remain in the colony?—About three years and nine months, till the beginning of 1830.

1441. How did you employ yourself upon your first arrival, and how afterwards; what was your object in emigrating?—To settle myself in the country as an agriculturist.

1442. Did you succeed in settling yourself as an agriculturist?—No, I did not; the remainder of the year 1826, that is, till the latter end of that year, I had been backward and forward through the colony making inquiries on subjects connected with my views.

1443. At the latter end of 1826 what did you do; how did you employ yourself?—In the beginning of 1827 I had engaged myself, at Hunter's River, to an agriculturist.

1444. In what capacity?—As agricultural agent for him.

1445. How long did you remain in his employment?—Till the month of October 1829.

1446. What was that gentleman's name?—M'Leod.

1447. When did you leave the colony?—In the beginning of 1830.

1448. Where did you settle then?—I came to the Cape of Good Hope, and I have been there till the month of March last.

1449. How long have you been in this country?—About two months.

1450. Where were you in the latter end of November 1826?—In Sydney, New South Wales.

1451. Do you recollect the punishment of two soldiers about the 22d of that month, Sudds and Thompson?—In the month of November 1826, I recollect two soldiers who had been previously tried by a civil court, as I understood, undergoing what was termed a military degradation in Sydney, New South Wales.

1452. Did you see those men in any part of that day?—Upon a certain day in the latter end of November.

1453. State where you saw them first upon that day?—From the military barrack gate in George-street to the gaol in the same street.

1454. Was public curiosity excited; was there any description of crowd to witness the ceremony?—There was a good deal of public curiosity excited, and there was a mass of people gathered on the occasion.

1455. What was the appearance of those men when you saw them; was there any thing peculiar about their appearance?—There was in their dress, and in certain irons that were on their bodies.

1456. Describe those irons and the dress as nearly as you can recollect?—The dress was yellow, or principally so. The irons consisted of an iron collar round the neck, with two spikes projecting from the iron collar, one before, I think, and one behind, or nearly so; attached to the iron collar were two chains, or a chain on each side going down the body, and attached or fastened to certain ancle bands, iron bands; those chains were fastened on the outward side of the ancle; from the inward side of the ancle there was another chain, consisting of bolt iron as it appeared to me, and coming as far as the crutch of the body, or the fork of the body perhaps, to the navel.

1457. What was the length of the spikes?—To the best of my recollection they would be eight to nine inches in length, as far as I can recollect.

1458. What was the size of the side chain, from the collar to the ancle bands, as nearly as you recollect—the size of the link; was it a heavy chain, or did it seem to be a slight chain?—It was not a slight chain, it was rather a heavy chain.

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1459. Have you seen any chains used to which you might compare them, so as to give the Committee an idea of their size?—They were of a construction similar to a trace chain, but much heavier.

1460. What do you call a trace chain?—A trace chain is that which connects horses together in harness.

1461. Which fastens a horse to a cart?—Yes.

1462. Were they eighth of inch iron, or quarter of inch iron, or half inch iron, or what; you as an agriculturist must know the nature of the iron?—It was more than an inch rod iron; it was thicker than an inch rod iron.

1463. Did you ever weigh those irons?—No, I did not.

1464. Could you form an idea of what their weight was, as you are familiar with these kind of things, as nearly as a guess would go, of the irons altogether?—It would be impossible to form a correct estimate from merely seeing them; but I should think that they would weigh upwards of 30 lbs. from the appearance.

1465. What was the appearance of those men; did you observe any signs of levity in the conduct of those men?—Certainly not, when their conduct fell under my notice.

1466. Were you near them in their progress from the barrack to the gaol?—I was as near to them as the mass of people surrounding them would admit of.

1467. Was either of the men pointed out to you as being the man Sudds?—Yes, there was one of them.

1468. In what condition did he appear to be?—He appeared to me to be very sick, very unwell, labouring from mental suffering or bodily fatigue, or both.

1469. Did he exhibit any marks of levity while he was in your view?—No, certainly not, quite the reverse.

1470. Did he dance or throw his cap in the air, or any thing of that sort?—I did not see it, and I do not think he did.

1471. Did the other man exhibit any signs of levity that you recollect?—No.

1472. Was the man Sudds able to walk alone?—He was occasionally supported by his comrade, that is, by the other soldier, who was undergoing the punishment along with him.

1473. Did you know the name of that other soldier to be Thompson?—Yes, the other's name was Thompson, I understood.

1474. Did he receive any support from any person, besides from the soldier Thompson?—There was a constable apparently on the other side of him, and he appeared supporting him.

1475. Was he constantly supported by this constable?—Yes, he was, as far I saw.

1476. Did he appear to you to be able to walk from the barrack to the gaol without support?—I should rather think he was too weak to do it, he was so supported.

1477. What was the distance from the barrack-gate to the gate of the gaol?—It is more than a quarter of a mile; I think it is a third part of a mile.

1478. Were you at the gate of the gaol when the men were brought into it, when the gate was opened to admit them?—I was.

1479. Were you near them at that moment?—I happened to be amongst the foremost at the gaol gate.

1480. Did you hear Sudds make any observation as he went into the gaol?—Yes, I did.

1481. What was the observation, and to what had it reference?—I think he addressed himself to the constable who was alongside of him, that is, the person who was supporting him—I think it was to him—putting his hand up to the collar he said, "It is too tight for me;" those were his words, in reply to some remark made by the person I allude to.

1482. Did he look sickly?—He looked rather sickly; I should say that he was sickly, from his appearance.

1483. Did his head or limbs appear to you, as far as you could judge, to be swelled?—I was not sufficiently near on that occasion to know whether he was in a swelled state.

1484. Did his face appear to be flushed?—His face rather appeared to be flushed, not with a healthy flush, but rather with a sickly hue, and apparently swelled.

1485. Did you see either of those men again on that day or on the next?—Moved by a feeling of compassion for the sufferings of the poor men on that day, I called

I called next day to make inquiries after the man, whose name I was told was Sudds, who was suffering most.

1486. Did you see him?—I was admitted into the room or ward in the gaol in which he was.

1487. What room was that; does it go by any particular name?—Not that I am aware of.

1488. What description of room was it?—It was rather a large apartment, and floored with what are termed stone flags.

1489. About what hour was this that you were admitted into the gaol?—It was early in the morning; it was before breakfast that I called.

1490. About what hour; state as nearly as you can recollect at this distance of time?—I cannot positively say at what hour, but it might be at seven o'clock, or after seven.

1491. It was before breakfast?—Yes.

1492. At what time did you usually breakfast?—I was in the habit of breakfasting between nine and ten.

1493. It was before nine or ten o'clock?—Yes, it was before I breakfasted, before nine or ten.

1494. Were there any comforts in the room where those prisoners were confined?—Very little indeed.

1495. Was there a bed?—There was not a bed, there was a rug and a blanket on which the man Sudds lay, for I noticed his place of lying particularly. Thre was a rug and an old blanket on which the man was lying.

1496. Did you see the other man, Thompson, in the room that morning?—There were other prisoners, amongst whom I noticed Thompson out and in, the door was open at the time.

1497. In what state was Sudds; you have stated that he was lying down; in what position was he lying?—He was lying on his side, and resting his head on his hand, he appeared to me to be very sick, and he complained of being so.

1498. Did you speak to him?—Yes, I did.

1499. What did you say to him, and what answer did he give to you?—I asked him how he found himself; his answer was, "Very ill, sir." "Did you sleep during the night?" I asked the man. "Very little indeed," he said, "but I have been very ill during the night." "Do not you find," I said, "those irons troublesome to you?" "I do, sir; during the time I slept," he said, "my head was in so awkward a position, that I find an unnatural," what he termed an unnatural, "sort of pain about my throat and neck."

1499.* Did he make any other observation at that moment, did he complain of being sick?—He complained that he was very sick.

1500. Did you make any further observation to him; did you say any thing further about the irons; or did he say any thing as to the effect of the chains upon him?—He certainly did.

1501. What did he say?—He said that he was greatly tortured by those chains, and that it was cruel of them to put irons on him when they knew that he had been sick for a long time, or for some time.

1502. Did he say that he expected his death from those chains?—He spoke to this effect, on my remarking that the chains appeared to be troublesome to him, and saying, why do not they take them off; then he made an answer, and he added to that, that it was of no consequence now, that they had already done for him; whether he alluded to the chains, or to those who had put the chains on him, I cannot say.

1503. Did you make any remark to any person who was in the place as to the propriety of taking off those chains?—I turned to the person who appeared to be deputy gaoler or turnkey; it was some person with a bundle of keys in his hand; it appeared to be a deputy gaoler or the turnkey.

1504. Who showed you into the ward where those people were lying?—The same man.

1505. What was your remark to that man?—I remarked to him, "How is it they do not take the irons off that unfortunate man in the sick state he is in?" were my words. He said, "We cannot take them off without orders."

1506. Did the man appear to you to be very ill?—He appeared to me to be very ill indeed.

1507. In what state of mind did he appear to be?—He appeared to me to expect his death, certainly.

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1508. Did you make any remark to him about the state of weakness that he had appeared to be in the day before, and about the necessity of his being supported?—No, I did not; I asked him whether there was any thing that I could do for him; his reply was, that there was nothing; he thanked me, and said "Nothing."

1509. Did he state to you that he had been ill before?—Yes.

1510. Do you recollect what he said upon that subject?—He said that he had been ill for some time, and that it was cruel of them to put those irons on him.

1511. Did he say any thing else?—The conversation I had with the unfortunate man was entirely to that effect during the time that I had been in; I was but a short time there.

1512. Did you hold any conversation with the prisoner Thompson during the time you were there?—No, I did not; he was out and in; I saw him only once; I understood that he was out getting some refreshment or something for Sudds.

1513. Did Thompson appear to you to suffer?—He appeared to me to suffer from the construction of the chains; the construction I allude to, is what appeared to me the shortness of the chain connecting the collar with the ancle iron band.

1514. Did Sudds appear to you to suffer from the shortness of those chains?—He did not express himself to that effect; he was lying down on his side at the time; but he complained that he could not lie on either side; that he must lie on his back, or that he could not lie conveniently on his side.

1515. Did he complain to you of the tightness of the collar and the chains?—This morning he appeared to me to be swelled in the neck; he told me that his neck was swelled, and that the collar was too tight for him.

1516. Did you call at the gaol at any period afterwards to inquire for this man?—I was passing by the gaol gate next day again; I saw some doorkeeper or some person at the gaol door; I asked him, "How is that man, is he better?" and he replied that he was in the hospital.

1517. Did you ever see the man alive afterwards?—I did not.

1517.* Did you know that the man was dead?—I learned that through public report.

1518. Were you aware that there was any coroner's inquest upon the body?—It was publicly complained of that there was not; the papers spoke of it.

1519. Are you aware that any inquiry took place?—I am not aware that any inquiry took place; on the contrary, it was complained of that there was no inquiry instituted.

1520. Did it seem to you that the punishment so inflicted upon the man by the tightness of the collar was sufficient to cause or accelerate his death?—It is impossible for me to say whether it would cause death; but at any rate the man so expressed himself, that I was induced to think that it tortured him greatly.

1521. Do you think that from the state of the man it was likely to have hastened his death?—I should really think so; his being sick or having been sick for some time previously, I should think that it would be the cause of hastening his death.

1522. This happened in 1826, did it not?—Yes.

1523. And you left the colony in 1830?—Yes, the beginning of 1830.

1524. And you have never thought of the subject from that time to this?—Often thought of it.

1525. Have you read any publications upon it?—Nothing, except the public papers.

1526. Where?—At home, since I came home.

1527. Have you never read any pamphlets on the subject?—I never did; I had no opportunity of seeing any.

1528. You had no communication with any person upon the subject; you never talked with any person upon the subject?—I may have talked with different persons upon the subject since I came home.

1529. With any persons who were present in the colony at the time?—I have had no conversation as to the effect of the evidence that I have given, with any person who was in the colony at the time.

1530. You have had no means recently of refreshing your memory as to the facts of the case?—Very little opportunity indeed; I have not conversed with any body upon the subject who was there.

1531. Had you any conversation with Captain Robison on the subject?—I see him occasionally, but I had no particular conversation with him on the subject.

1532. You

1532. You did not think it right to talk with him upon the subject?—Certainly, as a common subject of investigation.

1533. You never entered into a detail with him of the facts that occurred?—No.

1534. Had you told this story of your conversation with Sudds to any body before to-day?—I may have mentioned some of the particulars connected with it, probably to the honourable Member, Mr. Maurice O'Connell.

1535. Did you or did you not?—I had mentioned to him something of the subject.

1536. Had you mentioned all the details and all the particulars that you have mentioned now?—No, certainly not.

1537. He could not have been aware of what had passed in the gaol with Sudds from your communications?—I do not think that he could draw an inference from any thing that I said.

1538. Then how is it that he knew all the particulars, so as to examine you upon them?—It is for him to answer that.

1539. It is for you to answer it?—He might have drawn the inference from the little conversation I had with him.

1540. You entered into no particulars with him?—No, I did not.

1541. You say, upon the second day that you went to the gaol, they told you that he was in the hospital?—Yes.

1542. At what time was that?—That was also early the next day, but it is not the day after they had undergone their degradation, but the second day after.

1543. The degradation was upon the 22d; you went to see him in gaol upon the 23d, and saw him, and early on the 24th you went to the gaol, and were told that he was in the hospital?—Exactly.

1544. At what time was that?—That was early in the morning.

1545. At seven o'clock?—No, I cannot say what hour.

1546. Was it ten o'clock?—It was in the forenoon.

1547. It was before twelve?—Yes.

1548. Before eleven?—It was after I had had my breakfast.

1549. What was the purport of your question?—I asked how that poor man was whom I had seen the day before, and the doorkeeper, or some person at the gaol door told me that he was in the hospital.

1550. You did not see him upon that occasion?—No.

1551. Did he say in what state Sudds was?—I made no further inquiry; I walked on, learning that the man was in the hospital.

1552. You did not ask whether the chains were taken off?—No, I did not; I did not make any further inquiry.

1553. After you had seen him on the former day, did you go to make any remonstrance to any person upon his state?—I did not.

1554. You did not go to any person attached to the Government offices, or any person whatever, to state the circumstances under which you had seen Sudds?—I did not; I hoped that others, whose duty it was, would have done so.

1555. Then the whole of your charity consisted in going and seeing this man in gaol, affording him no relief, and making no representation to any body connected with the Government offices or the gaol, of the state of the man?—Perhaps I may give a very good reason why it would not be prudent in me and in others to do so there. I did not feel much disposed there to make myself forward, and many might have been influenced by a similar feeling, in any thing which the Governor of the Colony was concerned.

1556. Then you were not upon good terms with the Governor of the Colony at that time?—I never was on bad terms with him.

1557. What was the reason that you found that agricultural pursuits would not suit you?—The reason was this: I had, on my arrival in the Colony, made application like others, and I was told that I in my turn might be attended to.

1558. And you were a little dissatisfied with this?—It may be natural to a man to be dissatisfied with disappointment, but I was not greatly disappointed.

1559. But you were a little dissatified at this?—Not so much dissatisfied as to induce me to have any unfriendly feeling towards General Darling.

1560. But the fact was, that instead of being established as an agriculturist yourself, you were induced to become the agricultural agent of a Mr. M'Leod; is that so?—

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so?—Not being able at the time to obtain a grant of land myself, I had taken that situation.

1561. And whether you were much or little dissatisfied, you were dissatisfied or disappointed in not getting land?—I may have been a little disappointed.

1562. On this day, when you went the first time to the gaol, you were admitted?—I was.

1563. Without any difficulty?—Without any difficulty.

1564. There was no attempt at concealment, on the part of the gaoler, of the state of this man Sudds?—No.

1565. You were admitted into the room in which those persons were without difficulty?—I was.

1566. You not being a person officially connected with the gaol, or officially connected with the Government in any way, were admitted at seven o'clock in the morning?—Yes.

1567. And without difficulty?—Yes, I believe any respectable person would have been admitted.

1568. You say that when you went in, you found this Sudds lying upon his side, resting his head upon his hand?—Yes.

1569. And he said that he had slept but little during the night?—Yes.

1570. Then he had slept during the night?—Yes.

1571. You said that he told you that he could not lie upon his side?—He said that he could not lie upon his side without feeling some inconvenience, but he was upon his side when I saw him first holding his head with his hand; but I suppose if he leant his head down while he was asleep he could not rest; he was obliged to support his head with his hand.

1572. Why so?—He appeared to me to be obliged to do so from the construction of the irons; the long spike that was attached to the collar would not admit of his lying conveniently on his side without supporting his head.

1573. But he could lie upon his back or his belly?—Yes.

1574. You said that the spikes were before and behind?—They appeared to be projecting sideways.

1575. But you said in your description that they were projecting before and behind?—Not before and behind, but nearly so.

1576. Then you were in no official situation at that time?—I was not.

1577. You had no right or any particular claim to enter the gaol at that time?—From no particular claim, I could not from any official character, for I had none.

1578. Had you any particular claim in any other character?—No, unless it was in the character of humanity.

1579. You having no official character, and no official claim to enter into the gaol, not being a justice of the peace, or a visiting magistrate of the gaol, were admitted at seven o'clock in the morning without difficulty to see this man?—I did not say as early as seven, between seven and eight.

1580. As to the spikes, how were the spikes when you first saw them on the men coming from the barrack-yard to the gaol?—They appeared to me to be projecting diagonally, not before and behind directly, but they appeared to me to be nearly so at that time.

1581. The man in the gaol, Sudds, was not manacled, was he?—He was not, not in the gaol.

1582. Therefore, if those irons could turn of themselves, he might have turned them of himself without difficulty?—No, he could not turn them: he complained of his neck being swelled, and his irons being too tight, he could not turn them.

1583. But if they would turn of themselves, *a fortiori*, he could have turned them?—I do not know that they turned of themselves.

1584. Then the iron and spikes were in the same position as they were when you saw him come from the barrack-yard to the gaol the day before?—I should think that they were so, for they could not turn, as they were so tight at the neck.

1585. Had he manacles when he came from the barrack-yard to the gaol?—I did not see that he had any on; he was able to put his hand up; he did not appear to me to be in any way manacled.

1586. You said, that as he was going into the gaol you were among the foremost of the crowd?—I happened to be among the foremost of the crowd at that time.

1587. And

1587. And you were nearer to him then than at any other time?—Yes.

1588. And there was a great crowd about him at that time?—Yes, there was a mass of people of all classes.

1589. You were not so near to him at any other time as at that time of his going into the gaol?—I was not.

1590. You say that he was occasionally supported by Thompson?—Yes, by his comrade, the other soldier.

1591. And the constable on the other side occasionally supported him?—Yes, or a person that appeared to me to be a constable.

1592. He was not supported all the way along on both sides?—He was not supported on both sides all the way along, but occasionally by his comrade.

1593. Was he all the way along supported by the other man?—He appeared to me to be so.

1594. Were you near enough to observe that, as there was a great crowd?—I cannot say that he was; my eye was not fixed upon him the whole of the time, therefore I cannot say whether he was the whole of the time supported by this man on the other side, but it appeared to me that he was; whenever I looked, he was so supported.

1595. You were not among the foremost of the crowd during the whole of the time?—No.

1596. Then you could not very well see him the whole of the time?—I could see him.

1597. How near were you at any other time till he got up to the gaol gates?—I was outside of the mass of the people that were about him till he got to the gaol gate.

1598. Had you known Sudds before this time?—No.

1599. You never saw him before?—Not to my knowledge.

1600. But you said that his face appeared swolen; how could you tell that, if you had never seen him before?—It appeared to be a sickly hue and swelled.

1601. Very pale?—Very pale; his eyes were rather in a manner sunk; it was swolen about his eyes.

1602. He had no colour whatever; was he quite pale?—He had a colour, but it was a sickly hue.

1603. What sort of sickly hue?—Pale.

1604. Was it very hot on that day?—It was rather warm, it was summer time.

1605. What was the heat of the thermometer at that time?—I could not say that; it was a warm day.

1606. Was it 120°?—No, not perhaps 120°.

1607. Was it 80°?—It would be beyond 80°, according to the degree of heat as I have known it in New South Wales.

1608. Supposing it should appear by the record of the thermometer at that time in the public press that it was a nice cool day, the thermometer about 70°?—I should say that the day was warm, and that it was beyond 80°.

1609. Suppose it was to appear in the public press that that was the state of the thermometer, what should you say then, that you had forgotten the heat?—I should say that I might be mistaken as to the heat, but I say that it would be beyond 80°; I am merely giving an opinion.

1610–1. You have been accustomed to agricultural pursuits?—Yes.

1612. You have spoken of the chains being heavier than the chains of cart-harness; what do you call the size of the chains of cart-harness; do you call them three-quarters of an inch iron?—I think they are better than three-quarters inch iron, the link.

1613. What do you mean by three-quarters inch iron?—In circumference.

1614. Is that what is meant by three-quarter inch iron?—Rod iron, or the iron of which those links were made, would be in circumference near an inch, or upwards of three-quarters of an inch.

1615. You do not mean that they were an inch in diameter, but in circumference?—In circumference; I allude to a trace chain.

1616. What was the size of the chains that you suppose were upon the men?—They were, I should think, upwards of an inch in circumference; the link was thicker and heavier than the common trace chain.

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1617. You have said that those projections, or as you term them afterwards, spikes, were eight or nine inches long?—Yes, they appeared to me to be so.

1618. Are you sure that they were above seven inches?—I am certain they were.

1619. Are you certain they were above seven?—I should take those to be between eight and nine.

1620. You could not swear in a court of justice that they were above seven?—To the best of my belief they were above seven.

1621. Were they above seven and a half?—To the best of my belief they were eight or nine.

1622. Were they pointed or blunt?—Pointed.

1623. Very sharp?—Not very sharp-pointed, drawn towards a blunt point.

1624. Were they any thing like those spikes?—[*The frontispiece of Captain Robison's pamphlet being shown to the Witness.*]—They were like those chains.

1625. Look at the figures; were they as long in proportion as those spikes to the figures?—They appeared to me to be so, as far as I can recollect.

1626. Just look at the hand and the spikes, and see whether those spikes do not represent spikes longer than those were?—It would depend, in my opinion, upon the position in which the sufferers might place themselves.

1627. There are two figures; look at both?—It is altogether a very fair representation of the appearance of the men, as I saw them.

1628. Do you mean to say that that is a very fair representation of the state in which you saw the men when in gaol; you mean upon your credit to state that?—Yes, as they were in those irons.

1629. Look at that chain upon Sudds; is that a fair representation of the length of the chain upon Sudds?—In the position in which I have seen him, he was not so gathered together as this is.

1630. But you see that these chains are represented as tight; was that so?—They were tight, for when he drew himself up, when he was stretched as he was, the band round the ancle came towards the calf of the leg, as far as it could come.

1631. It was stretched quite tight?—Inconveniently so.

1632. If a man, three inches taller than him, has tried those chains on, and has found that he could stand upright in them, you must be labouring under a mistake in saying that the chain was tight, or he has deposed wrongly?—I should say that he has deposed wrongly, for a man three inches taller than Sudds could not stand upright in them.

1633. What sort of figure was Sudds; was he tall or short?—He appeared to me to be a man of the middle size.

1634. What do you call the middle size?—Five feet eight or nine.

1635. Was he stout or thin?—He appeared to be stout, for he was swelled, as he told me.

1636. What colour was his hair?—His hair was auburn, or inclined towards dark.

1637. Not light, you are sure of that?—Not light hair.

1638. You are quite positive that it was not sandy hair?—It was not, I am sure; it was not sandy hair, as far as I recollect.

1639. How tall was Thompson?—I think he was taller than Sudds.

1640. How much taller?—I cannot say.

1641. You say that Sudds was five feet eight or five feet nine?—That is what I say is a common size.

1642. What height did Thompson appear to be?—Thompson appeared to me to be taller.

1643. If Patrick Thompson, the convict, has said, "I believe that Thompson could lie at full length with his irons on, either on his back or sides, Sudds did not complain of the irons being too short for him;" that is contrary to your view of the case, is it?—In my way of thinking, what I said before, that Sudds was not so drawn up as the position there is, at the time I saw him.

1644. But you say still, that when he got up he could not stand upright?—He did not stand up when he was in the gaol.

1645. So as to be inconveniently tight round the leg?—Yes.

1646. You say you guessed the weight to be about 30 lbs.?—From appearance, I should think that they had that weight on them.

1647. If,

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1647. If, from an examination before the Executive Council, other persons of known respectability, and persons of known honour and veracity, have deposed to their being about 14 or 15 lbs., do you think you must be under error, in estimating them on guess to be 30 lbs.?—I could not believe that they were so low as 14, 18 or even 20 lbs.

1648. Not even if most respectable persons had sworn to it?—I could not believe it, to the best of my own belief.

1649. Would you venture to swear in a court of justice, upon your solemn oath, that those irons were above 15 lbs. weight?—I would, to the best of my knowledge and belief, so swear that they were.

1650. Would you venture to swear that they were above 15 lbs. weight?—I would, that they were above 15 lbs. in my belief.

1651. If, on the 1st of December 1826, it should appear, three days after Sudds' death, that those irons were publicly exhibited at the Colonial Secretary's Office in Sydney, to the editor of the "Australian" among others, and he admitted that they were extremely light, should you think that you were mistaken in your opinion?—If they were the same irons that I allude to, I should then think that I was mistaken in my opinion; but the irons that I allude to weighed, according to the best of my opinion, upwards of 30 lbs.

1652. You are aware that those irons were put on in the barrack-yard, in the presence of large detachments of three regiments; that all the officers were present; that the men were conducted from the barrack-yard to the gaol in the midst of a large crowd; that you had an opportunity of seeing them and examining them closely, without any difficulty or impediment, on the following morning in the gaol; do you, as a man of common sense, believe that General Darling would venture publicly to exhibit four days afterwards other irons less than half the weight of those irons, and submit them to a public inspection?—It is impossible for me to account for what Governor Darling may have done or what he had done, I have stated my opinion of what the weight of those irons was.

1653. Would any man of common sense venture to do that?—I do not know what a man of common sense would do; I am telling what I did myself,

1654. Would it not be absolute madness to commit such a fraud?—Who guilty of madness?

1655. The person guilty of fraud?—It would be a very improper action.

1656. You are asked as to the wisdom or folly of the action?—I should think it a very foolish action.

1657. One almost certain of detection and exposure?—I should think so.

1658. Is General Darling generally reckoned a man of very great weakness or folly, or a man of deranged intellect?—I know him by his public actions only.

1659. Is he reputed to be a man of weak mind?—He was reputed in New South Wales, as governor, to be a man of imperious disposition.

1660. You are asked as to the weakness or strength of his mind?—I cannot say.

1661. You are aware that he was deputy adjutant-general at the Horse Guards for a considerable time?—I understood so.

1662. Do you think that a man of weak mind would be placed in that position?—I should hope not.

1663. When was it that you went to New South Wales?—I left home in the latter end of 1825, and arrived in New South Wales in the month of March 1826.

1664. And did you go out with any part of your family?—No.

1665. You went out as a single man?—Yes.

1666. And from that time to the beginning of 1827 you were going to and fro through the colony, without any employment, looking out how you could get employment?—Not looking out how I could get employment, but making inquiries as is commonly done by persons going out on subjects connected with my private views.

1667. Did you know Colonel Stewart?—I knew there was Colonel Stewart, of the 3d regiment of Buffs.

1668. A man of honour and character, was he not?—As far as I understood, Colonel Stewart was an honourable man.

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1669. You never heard any thing against his general character for humanity?—Not against Colonel Stewart.

1670. Do you think that Colonel Stewart was that sort of man that if he saw a person on the parade labouring under sickness and ill health, and almost in a dying state, that he would have allowed irons to be put on him, and that he would not have made any representation upon the subject?—It is impossible for me to say what might influence the conduct of Colonel Stewart as subordinate in authority to General Darling.

1671. He being a man of high honour, you think, in a case of life and death, he would allow his own feeling and sense of interest to overcome his humanity and sense of duty: is that the imputation you cast upon Colonel Stewart?—That would not be an imputation; but only if he did not do what he should have done.

1672. Do you think that Colonel Stewart, being a man of honour, would allow interested or personal motives to influence him from making a remonstrance in a case of life and death?—I do not know what might influence Colonel Stewart, subordinate as I said before to General Darling, but I should think that he would not be a party to cruelty, as I understand his character.

1673. He is a man of high honour?—I understand nothing to the contrary.

1674. And humanity?—I understand nothing to the contrary.

1675. You have said that when you were at the gaol door on the 24th, it was after breakfast but before twelve o'clock; you could not say whether it was before or after eleven?—That was the third day.

1676. The day you were not admitted to the gaol?—I said that that was early in the morning, between ten and twelve.

1677. You said that it was not past twelve?—I do not think that it was past twelve.

1678. You said that it was in the forenoon?—It was before twelve.

1679. On the day after you saw him in his cell, the 24th, the day after you had seen him in his room, it was before twelve o'clock in the morning?—It was.

1680. You saw him in his room, you are positive, the very day after the irons were put upon him?—Yes, I understood that those irons were put on him.

1681. Are you aware that it is sworn that within two hours after he was removed to the gaol the irons were taken off him?—I am not aware of it.

1682. But it appears so, does it not?—It may; I am not aware of it.

1683. Then, if it appears in the evidence that the irons were taken off him within two hours after the time he was removed into the hospital; if it also appears that he was removed into the hospital after the hour of twelve o'clock on the day on which he was removed into the hospital, and if before twelve o'clock on the 24th he was in the hospital, his irons must have been removed from him, not on the 24th but upon the 23d: you do not know of those facts of your own knowledge?—No.

1684. All that you know of that is, that before twelve o'clock you were told that he was in the hospital?—Yes.

1685. You are sure that when you went on the second day to visit the prisoner Sudds about eleven o'clock in the forenoon, you were informed that he had already been sent to the hospital?—The third day, the 24th, I was passing by the gaol gate, there was some one at the door as door-keeper; I asked him how was that poor man that I had seen on the previous day; he told me that he was in the hospital, that he was very ill in the hospital; whether he had been taken that day or the day before, I cannot say; I was told by the man that he was in the hospital.

1686. So that at eleven o'clock on the 24th, you were told that the man was taken to the hospital?—It was between ten and twelve, I should say.

1687. You say that it was early in the morning, and you afterwards said between eleven and twelve o'clock?—It was between ten and twelve o'clock.

1688. So that according to your evidence or recollection of what you heard, the prisoner Sudds had been taken to the hospital between ten and twelve on the morning of the 24th?—Not between ten and twelve, I did not say, I do not know at what time he was taken, but I was told between ten and twelve.

1689. If it were therefore mentioned to you that somewhere between one and four o'clock on the 24th, the surgeon had visited the prisoner Sudds in the gaol

gaol, and had ordered his irons thereon to be taken off, you would conceive that there would be a mistake between you and the surgeon?—There must have been a mistake in the person who told me at the gaol gate that he was in the hospital.

1690. But your testimony goes to the fact, that you were told by the doorkeeper at the gaol that Sudds had been taken to the hospital when you called on the morning of the 24th?—Yes.

1691. You have been asked the question with respect to the general character of Governor Darling as to his abilities; what was his general character in other respects in the colony?—He was understood to be an imperious man as a governor, a man of severe measures, that was generally the impression.

1692. Was he liked or disliked in the colony generally?—Generally, I should say that General Darling's measures were disliked.

1693. You said that you were close to the gaol gate when Sudds arrived, did he appear very much exhausted?—He did.

1694. Did you hear any remarks made by the by-standers?—There were various remarks made by the by-standers, that it was a shame to treat the man as he was treated.

1695. You were asked, whether you had refreshed your memory since you have been in England; had you any occasion to refresh your memory?—I had occasion to refresh my memory by the circumstances themselves, particularly when I understood that I was to be called here.

1696. Did the circumstance make a deep impression upon your mind?—It always did.

1697. So that all the details connected with it were fixed in your memory?—Pretty well so, I should say.

1698. You had never witnessed such a circumstance before or any thing like it?—Never.

1699. The by-standers did upon this occasion make this remark as to the state of the man, that it was a shame to treat him so?—Such remarks I heard in the crowd.

1700. There was a great crowd present?—Yes.

1701. The state of the man at that time was very notorious?—The state of the man appeared to be known among the people.

1702. Then is it not a strange thing that the "Australian," on the 5th of December, should state that the state of the man was not known beyond the precincts of the gaol?—It may have been known to him only, to the editor of that journal, beyond the precincts of the gaol, but I believe it was generally known beyond that.

1703. Did you see Sudds dancing in his chains as he went along?—No.

1704. Did he appear to you to be in a position in which it would be easy for him to dance?—He could not do it.

1705. Did Sudds state to you that he was afflicted with any particular complaint?—He told me that he had been sick for some time, and that it was cruel of them to put him in those irons when they knew that he had been so.

1706. Did he complain of pain?—Yes, in his throat and neck particularly, a sort of unnatural pain, he described it.

1707. Did he speak with any difficulty?—Yes.

1708. Did it appear to you that he spoke with difficulty in consequence of the pressure of the collar round his neck?—Yes, apparently, and from other causes his voice was weak.

1709. Did the man appear to you to be generally in a state of weakness?—Generally in a state of weakness.

1710. You have been asked some questions as to your communications upon this subject; how soon after you had seen Sudds in the gaol did you communicate to any body in the colony the impression made upon your mind?—In the colony I did not particularly make it my duty to communicate to any one; I may have spoken of it to different persons casually.

1711. Did you communicate to any body, and to whom, in the colony?—On my going to my home, I may have mentioned it to Mr. Brown; Mr. Brown was with me on that occasion when I was witness to the ceremony from the barrack-gate to the gaol-door, and he and I talked of it and made it a subject of conversation, and perhaps to others.

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1712. Who is Mr. Brown?—He is now no more.

1713. What was he?—A settler in New South Wales, at Hunter's River.

1714. This was in 1826?—Yes.

1715. Do you recollect whether on any other occasion you have spoken of it?—There is no doubt I did.

1716. Did you make it a subject of conversation?—Yes, I often did.

1717. Then you mean by may, that you did?—Yes, I should say I did.

1717.* Was it well known then that you had had a strong opinion upon this subject?—I do not think that it was well known to any of those who were leading parties in making the subsequent inquiry into this case; I happened to go down to Hunter's River, and to be resident there after 1826, after this punishment or degradation had taken place.

1718. You left the colony in 1830?—Yes.

1719. You have resided here from 1830?—No, in the Cape of Good Hope; I arrived here about two months ago.

1720. When you arrived here, did you make any application to any person, or did any person make application to you upon this subject?—I have spoken on this subject, seeing the proceedings in the papers, and I had an opportunity of making mention of what was known to me on the subject; I was consequently summoned to appear.

1721. Was any application made to you on the subject, and by whom?—There was an application made to me to be summoned here as a witness.

1722. Was that the first application made to you after your arrival from the Cape of Good Hope upon this subject?—Yes; after the Committee had been appointed, I think it was, that I was found to be acquainted with the subject.

1723. Did you write to any one to say that you were so acquainted?—I had made an application; at least I had mentioned my acquaintance with the subject to a Member of the Committee.

1724. Who is that Member?—Mr. Maurice O'Connell.

1725. In what paper did you ever see, since you came to England, the case of Sudds and Thompson brought before the public?—It was in different papers, I think I saw it in the Times and in the Sun.

1726. Did you see it twice or thrice?—I saw it upon one occasion; it was a motion made by an Honourable Member in the House for a Committee, and the charges there mentioned I then read.

1727. Are you sure that you have never read any of the pamphlets which have been published, or that you have not been shown the Parliamentary papers giving the details of the case of Sudds and Thompson?—I have not.

1728. You have never read one of those pamphlets upon the subject?—I have never read one of those pamphlets on the subject.

1729. Did you ever see this cut before? [*the Frontispiece of Captain Robison's pamphlet being shown to the Witness.*]—I have seen it.

1730. Where?—I saw it here.

1731. Before you came into this room?—I saw it in the hand of some person in another room.

1732. Was that shown to you?—[*the smaller cut.*]—Yes.

1733. You are sure that you have had no conversation with Captain Robison upon the case of Sudds and Thompson?—I had no conversation whatever on the subject of the evidence which I have given.

1734. You are not asked whether Captain Robison tutored you to give your evidence, but whether you had any conversation with Captain Robison as to the case of Sudds and Thompson?—No, nothing that could amount to any thing as to the evidence I have given.

1735. Had you any conversation with him?—I may have had.

1736. When had you?—Within the last fortnight; here occasionally I had conversation with him.

1737. When did you first see Captain Robison?—About a fortnight ago.

1738. Where?—I saw him here, since the Committee.

1739. Will you undertake to say that you never saw Captain Robison since your return to England, till you saw him within the walls of the House of Commons?—Yes, I did.

1740. Where?—In the King's Bench.

1741. Then you saw Captain Robison in the King's Bench, and you have actually visited Captain Robison in the King's Bench?—I called there.

1742. What was your acquaintance with Captain Robison previous to your return to England?—In New South Wales; I knew but very little of Captain Robison in New South Wales.

1743. When did you first know him in New South Wales?—At Newcastle, Hunter's River; I saw him there; and the only acquaintance I had with Captain Robison amounted to this, that he came with me on one occasion as passenger on board a packet from Newcastle to Sydney.

1744. Then that is the whole of your acquaintance with Captain Robison?—Yes, and then I understood from him that he was on a friendly understanding with General Darling.

1745. When was that?—On the beginning of 1827, early in that year.

1746. When he came from Newcastle to Sydney?—Yes.

1747. Had you any conversation with him at that time about the case of Sudds and Thompson?—No, it was not introduced.

1748. When you met Captain Robison coming from Newcastle to Sydney, the question of Sudds and Thompson was not introduced?—No; the passage was very short; there was no conversation on that subject.

1749. Did you, after that passage, see Captain Robison again before you left New South Wales?—No, only occasionally, not to converse with him.

1750. How long did you take to come from Newcastle to Sydney?—Perhaps about a day and a half.

1751. Then your acquaintance with Captain Robison in Australia was a day and a half?—It could not be much more.

1752. When you had the conversation with Captain Robison in the King's Bench, how long did you stay with him?—It might be about an hour or an hour and a half.

1753. How often have you been there?—I called twice.

1754. How long were you the second time?—Much about the same time.

1755. Will you undertake to say that you had no conversation with Captain Robison upon the subject of the case of Sudds and Thompson, and that you had no understanding with him upon those points which have been asked you?—I will undertake to say, that I had no understanding with Captain Robison, and had no conversation upon the subject at all.

1756. You had no conversation upon the subject of Sudds and Thompson?—I am positive that I had no conversation with Captain Robison as to the answers which are now given to the Committee.

1757. The Committee understood you to say, that you never told Captain Robison, in the King's Bench Prison, that you had seen Sudds in gaol on the morning of the 23d?—If you mean that I may have stated to him that I had seen the soldiers undergoing the punishment, I have said that much; not that it was any thing to the effect of what I have stated here; Captain Robison knows nothing of what I have stated.

1758. You are asked again whether you ever told Captain Robison, in the King's Bench Prison, that you had visited Sudds and Thompson in the gaol, and that you had seen Sudds in the state that you have described to this Committee, whether you gave them the details of what you had seen?—I did not.

1759. When did you see Mr. Maurice O'Connell, and when did you give him the details of your having seen Sudds and Thompson in gaol?—I have stated those things to Mr. O'Connell; that I have already admitted having stated before I had seen Captain Robison at all.

1760. When did you see Mr. Maurice O'Connell for the first time?—I had stated those things in writing for the information of Mr. O'Connell before I had seen Captain Robison at all.

1761. Did not Captain Robison introduce you to Mr. Maurice O'Connell by a note?—He certainly did; but my communication with Mr. O'Connell was before then.

1762. Before you were introduced to Mr. Maurice O'Connell by a note from Captain Robison, had you seen Mr. Maurice O'Connell, and detailed to him what you have now detailed to the Committee?—I did not see Mr. Maurice O'Connell; but I had communicated with him.

1763. Where is the letter you wrote to Mr. Maurice O'Connell?—I have it not.

1764. When did you arrive in England?—About two months ago.

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1765. Was it early in July?—Towards the latter end of June.

1766. What day in June?—It was the 23d of June.

1767. By what ship did you arrive?—By the Harmony.

1768. What is the name of the captain?—Elley.

1769. Of what tonnage?—I should think she is near 400 tons.

1770. What was the day upon which you first saw Captain Robison after you arrived?—I cannot say. I did not see him till subsequently to the Committee being obtained by the Member who had moved the House of Commons for it.

1771. But you are positive that you never communicated to Captain Robison the details that you have given to this Committee?—I never did; I never entered into particulars at all.

1772. You had spoken to Captain Robison generally upon the subject?—I may have spoken to him upon the subject.

1773. What do you mean by "may?"—I did speak to him on the subject.

1774. How many parts of the transaction did you mention to Captain Robison?—I merely observed to Captain Robison that I had seen the soldiers undergoing the punishment from the barrack-yard, in George-street, Sydney, to the gaol gate; I mentioned that matter to him.

1775. Do you recollect whether you told him that you were in that gaol afterwards inquiring respecting Sudds?—I mentioned to him, also, that I had seen him inside the gaol.

1776. Did you enter into any details?—No, none whatever. I may have mentioned that much to him.

1777. When you saw Sudds, and the collar round his neck, had he any clothing on his neck?—There was a shirt collar between the skin and the irons.

1778. And a handkerchief?—The handkerchief appeared to be outside, loose, of the iron collar.

1779. Did he appear to be generally swelled, or swelled in the neck?—He complained of being swelled in the neck, and he appeared to be swelled in the face.

1780. Were his hands?—I did not look at them particularly.

1781. His limbs?—He complained of being swelled in the neck.

1782. Was he flushed in the face?—He was sick-looking.

1783. From the pressure of the collar, the blood would be forced up into the head?—His face appeared to be swelled.

1784. The weight of the irons appeared to you to be about 30 lbs?—Yes, I should think they were.

1785. Have you much experience in weighing by guess?—I merely give a guess, to the best of my opinion.

1786. In order to arrive at any calculation upon the subject, did it pass through your mind that one of the collars would weigh about 2 lbs. and the spike 1 lb. and the link so many pounds; did you take the materials to enable you to judge whether it was 30 lbs. altogether?—No, I take it from appearance, and the sinking of the man under them.

1787. Had you ever seen any irons like those?—No, never.

1788. Had you any idea that those irons would occupy a certain space, and were therefore likely to weigh 30 lbs.?—I go entirely by the appearance of the irons.

1789. Was there any thing to lead you to guess 30 lbs. rather than 35 lbs.?—There was the thickness of certain portions of the irons generally.

1790. Upon your honour, did you attempt to make any comparison between the thickness of any of the irons and the thickness of any other irons, to arrive at the conclusion that those irons must have weighed 30 lbs.?—From the appearance of the irons, I should be apt to think them 30 lbs; they might be less, but I should think them to be upwards of 30 lbs.

1791. Do you recollect any irons different in size, but at all like those in form or appearance?—I do not.

1792. Do you recollect any quantity of chain at any time weighed, which weighed a certain weight, so as to enable you to compare those with them?—I should think that the chains would from their appearance weigh 8 or 9 lbs.

1793. Did you or did you not take those chains to pass in your own mind for

for the purpose of enabling you to form that calculation?—If I had, I should describe them thus; I should say the collar would weigh 7 or 8lbs.

1794. Did you in point of fact?—I speak from recollection of the appearance of the chains.

1795. Are the Committee to understand that it is a mere guess, or was the result of a calculation?—I have only calculated in my mind what might be the probable weight of each part separately, and making an addition for such calculation, I thought they would weigh upwards of 30lbs.

1796. In doing that, did you compare the parts which in your own mind you thought would weigh a particular weight with any thing like it, so as to calculate one by the other?—It is impossible for me to draw comparison, for there is nothing exactly like them.

1797. Have you seen any irons since you came to this country?—I was shown irons in the other room similar to them in construction.

1798. Were you told what the weight of them was?—No, I was not.

1799. Do you know what the weight is?—From the appearance I should think upwards of 20lbs.

1800. Do you mean to say that you have never heard what the weight was?—No.

1801. Where did you see them?—In the next room.

1802. Was that the first time you ever saw them?—Yes.

1803. Was it the first time you knew that those irons were going to be weighed?—I did not know of any irons going to be weighed till I saw those.

1804. You never knew of those irons before?—No.

1805. You had two conversations with Captain Robison in the King's Bench prison, each an hour and a half; had you no other conversation with Captain Robison after your arrival in England?—No.

1806. Had you never seen him after your arrival except upon those two occasions?—No; that was subsequently to the Committee being moved for and obtained.

1807. Did not Captain Robison show you this pamphlet, or a pamphlet like that, or any pamphlet?—No, he did not show me that pamphlet.

1808. Did he mention to you his pamphlet?—He mentioned the cause of his sufferings.

1809. Did he mention to you that any of the pamphlets written by him were in existence besides this one?—In the conversation that I have had with him, I think on the second day he mentioned this, or that he was prosecuted by General Darling for a certain pamphlet that he had published for a libel, but I had no opportunity of seeing the pamphlet at that time.

1810. But he did not show you any pamphlet?—No, for he had it not convenient at the time, it would appear to me.

1811. Did he give any written statement as to this case?—No; the conversation was general, principally on other subjects altogether.

1812. Have you read no paper or no written statement of the subject of this inquiry?—I have not, except what I saw in the public newspapers.

1813. Have you not read the Parliamentary papers?—No.

1814. You said that you came with Captain Robison from Newcastle to Sydney, in the beginning of 1827, and you were a day and a half on board the vessel at that time; did you ascertain from Captain Robison, at that time, how lately he had been at Sydney?—No, I do not think that he mentioned that to me.

1815. Did he mention to you that he had been at Sydney before?—I understood that he had been, and had gone.

1816. Did you understand from him that he was returning to join his regiment at that time?—I cannot recollect upon what business Captain Robison was; I do not think the veteran companies were at Newcastle.

1817. Were they at Sydney?—Whether he was on an excursion, or any duty, I do not know.

1818. Did he state that his usual residence was at Sydney?—I understood, upon that occasion, it to have been his usual residence.

1819. Did you not, upon that occasion, make any inquiry as to how lately he had left Sydney?—No, I did not, and I did not hear.

1820. Had you no conversation with him at that time upon those chains?—No, and I will give a reason: I knew Captain Robison to be a military man,

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and I understood that he was on a friendly footing, that his feelings were friendly to General Darling, therefore the subject was not introduced.

1821. Is there any person in England at present, to whom you mentioned the circumstance of your having seen Sudds and Thompson in gaol at Sydney that morning?—No, I cannot call to recollection any person to whom I mentioned the subject.

1822. The only person that you recollect is Mr. Brown, and he is since dead —He was with me upon the occasion, from the barrack-gate to the gaol.

1823. He is dead, and there are no others?—There are many others in New South Wales that I could mention; I had conversation with Mr. Hall, in New South Wales, upon the subject.

1824. Had you many conversations with Mr. Hall?—Not many.

1825. Did you furnish him with any information for his paper?—No, I did not.

1826. Nor the Australian?—Not with any information.

1827. Never wrote any letter?—I may have conversed with Dr. Wardell upon the subject, and may have conversed with Mr. Hall upon the subject.

1828. Did you write to Dr. Wardell upon the subject?—No.

1829. Did you write a letter to be inserted in the paper?—Never.

1830. How soon after the transaction did you communicate with Dr. Wardell upon the case of Sudds and Thompson?—I may have had communication with him, and had.

1831. Immediately afterwards?—Not immediately afterwards.

1832. When?—Perhaps upon that occasion when I came from Newcastle.

1833. Did you or not?—I did, with Dr. Wardell, upon the very occasion that I allude to, when I came from Newcastle with Captain Robison, and on that occasion I met Dr. Wardell, and in conversing on various subjects he spoke on that subject.

1834. How early was this in 1827?—When I had the conversation it might have been in the month of February.

1835. Was it in the month of February?—I think it was.

1836. Are you sure that it was not in the month of January?—It was in the month of February that I met Dr. Wardell.

1837. Did you mention to any body in the ship that you had seen Sudds and Thompson in the gaol?—No.

1838. Did you mention to any body coming from Newcastle to Sydney, and to whom?—No, I did not; there was no conversation upon the subject at all.

1839. You never introduced the subject?—No.

1840. Was General Darling's conduct the topic of conversation at all?—Perhaps a little; but as I mentioned before, I was speaking to a military officer whom I understood to be on a friendly footing with General Darling, and out of compliment to the military officer we did not introduce any thing that was unfriendly.

1841. You can then answer for those on board?—I am giving my own motives, not those of others.

1842. Though you had some conversation about the conduct of General Darling, you had no conversation about this particular conduct of General Darling with any body?—No.

1843. Therefore, though your delicacy prevented you complaining of General Darling's conduct with respect to Sudds and Thompson, it did not prevent you from complaining of it in general respects?—We did not enter upon his conduct in this passage.

1844. Were there many passengers?—There were four or five.

1845. And no other person on board mentioned this matter of Sudds and Thompson?—No, not that I am aware of.

1846. Were there many residents of Sydney on board the vessel?—There was but one regular resident in Sydney, and that was Mr. Vendor.

1847. Had he not left Sydney?—He had an establishment at Hunter's River.

1848. Should you know Thompson, the man whom you saw?—I do not think I should.

1849. You have not seen him since you have been in London?—I have not seen him, except upon the occasions I have already described.

1850. Your attention was called to those points of the irons; in the picture

those

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those irons are pointed?—They resemble those spikes or irons, but not very sharp in the point; they were drawn to a blunt point.

1851. Then so far it is not a correct representation?—Not so far as that it is not a correct representation.

1852. You brought Mr. Maurice O'Connell a note from Captain Robison?—I did.

1853. Had you received a note from Mr. Maurice O'Connell before that, appointing a meeting with you, at which you showed him Captain Robison's note?—Yes.

1854. Did you make a statement of your evidence to any other person at this gentleman's request?—Yes.

1855. Who was that?—Mr. Stephen.

1856. Was that paper drawn up by Mr. Stephen on that occasion? [*A paper being shown to the witness.*]—I did not see this paper to know it.

1857. Did Mr. Stephen take down what you said to him in writing?—He did.

1858. Do you know what became of that paper?—I do not.

1859. Do you suppose that that paper came into Mr. Maurice O'Connell's possession; was it taken for the purpose of being handed to him?—Very likely.

1860. Was it not so, to the best of your knowledge and belief?—It was intended for Mr. Maurice O'Connell.

1861. There were four or five passengers in this packet on the passage between Newcastle and Sydney at the time that you were there with Captain Robison?—Yes.

1862. Was it considered at that time perfectly safe for any person to occupy himself about the business of the Governor or about Government business?—It was not; we avoided it as much as possible in private conversation.

1863. Was the general feeling that it was better to avoid talking about Government business, particularly with persons who were expectant of Government favours?—Yes, we avoided it as much as possible.

1864. You were not in a situation to be in communication with General Darling?—I was not.

1865. Were you in a situation to be in communication with General Darling's friends?—I was not.

1866. What communication had you with Government further than applying to the Government for a grant of land?—No other.

1867. Did you make many applications?—I applied by letter once, and afterwards applied at the office personally.

1868. Did you receive any answer to those applications?—The only answer was from a gentleman, whom I understood to be principal clerk of the office, that Mr. M'Leay would take my application into consideration, but in the mean time I would have to wait.

1869. Was the state of your funds such as to permit you to wait?—I could not wait much longer conveniently than the latter end of 1826.

1870. And you went into employment to earn a livelihood for yourself, while in the colony, during the interval?—Yes.

1871. Is not the month of November the height of summer in that colony?—It is advanced in summer in the month of November.

1872. Would about the 22d of November answer something to our Midsummer-day?—I calculate it as much warmer there, even in the month of November, than I have experienced it in the middle of summer.

1873. Is it about Midsummer; does it answer to the latter end of June and the commencement of July?—The month of December answers to the month of June.

1874. Then it was about the commencement of summer?—It was the first month of summer.

1875. Was there any other person with you in your walk through the town when you went to see those persons?—There was Mr. Brown.

1876. Any third person?—There was an acquaintance of Mr. Brown, who met us.

1877. Where does he reside?—I think he resides in the county of Argyle, in New South Wales.

1878. You have not seen him since?—No.

1879. Was this a matter of common conversation in the colony?—It was.

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1880. And in the course of that conversation you have spoken of it often?—Yes, I have no doubt I have.

1881. After that period?—Yes.

1882. And just about the same time?—After.

1883. Within a month?—I may have spoken of it.

1884. Was it a nine days' wonder, and talked of for some time?—It was thought a wonder, and something extraordinary.

1885. And talked of till something else turned up which occupied people's attention?—It was so.

1886. Would you have considered it quite safe to have mentioned what you had seen to any person connected with Government, situated as you were?—I would much rather decline it, from the generally understood sentiments of the Governor.

1887. This nine days' wonder was a good deal talked of?—It was talked of for many more days than nine days.

1888. And generally talked of?—And generally talked of in the colony.

1889. Quite commonly?—Yes.

1890. Without any hesitation or difficulty?—Some made no hesitation; such as had no expectation from the Government.

1891. So that immediately after the punishment was inflicted, persons had no hesitation in talking generally about it; but such was the feeling of prudence which came over you before you came down from Newcastle to Sydney, that nobody on board the vessel ventured to say any thing about it?—The subject was not spoken of on board the vessel, that I know of.

1892. And, as you said, from prudential motives?—I spoke of myself.

1893. How long was it after this punishment of Sudds and Thompson that you did come down from Newcastle to Sydney?—It was January.

1894. At what time in the month of January?—It might be about the middle of January.

1895. Was it before or after the middle of January?—It might be about that; I do not recollect the day.

1896. At that time the general conversation had subsided about Sudds and Thompson?—It was not so much talked of.

1897. Was it in 1827 or 1828 that you came from Newcastle to Sydney?—1827.

1898. You said you mentioned it to some person besides Mr. Brown?—I have mentioned it no doubt to many; it was made the subject of conversation at that time.

1899. After the circumstance had newly occurred?—Yes.

1900. Did you ever happen to see a man in a dying state?—Yes.

1901. Did it appear to you that Sudds, at the time that you saw him in the gaol, was in a dying state?—I cannot take upon myself to say that he was in a dying state; he appeared to me to be very sick and dangerously ill; I should say dangerously ill.

1902. Were you long at Sydney?—I was three years and nine months in New South Wales altogether.

1903. Are you able to form an estimate of the character of General Darling's administration generally, with regard to its advantage to the inhabitants of the colony?—If I take as my guide the opinion of the public, it was not in favour of General Darling.

1904. Can you give a sort of opinion?—To give my opinion upon that subject, I should say his measures had not a tendency of being generally beneficial.

1905. Was his administration of a moral and religious character generally; did it tend to the advancement of the moral and religious state of the inhabitants of the colony?—I am not able to give an opinion upon that subject.

1906. Did General Darling patronize and encourage institutions of a charitable and moral nature?—That did not come under my observation, whether he did or did not.

1907. You are not aware whether he founded any institutions in the colony for the purposes of education?—I am not aware that he had founded any institutions that had the origin with himself, or that any had been founded in his time.

1908. Did you take out any recommendations from any persons in this country to New South Wales?—Not particularly; I may have taken a letter.

1909. Did

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1909. Did you take out letters of recommendation to any particular persons connected with the Government?—No, I did not.

1910. By what vessel did you go?—I went out in the Greenock, Captain Miller.

1911. Had you never any quarrel with General Darling or the constituted authorities, or have you never been in any predicament?—No, I never had any communications with General Darling.

The Committee requested two of the Members, Mr. Freshfield and Mr. Maurice O'Connell, to proceed forthwith to the King's Bench prison to take the examination of Captain Robison with relation to the evidence just given.

Captain *Robert Robison*; Examined.

Capt. *R. Robison.*

1912. DO you recollect seeing Mr. M'Lean in New South Wales?—No.

1913. When did you first see him?—In this room; he knocked at my door when I was sitting here.

1914. When was that?—I think, as near as I can recollect, just after the motion came in of Mr. O'Connell's, about the early part of this month, the first week.

1915. What conversation took place between you?—The gentleman knocked at the door, and I was sitting here, and said, "Come in;" and as soon as he came in he addressed me and said, "How do you do, Captain Robison?" I rose and said, "Why, really you have got the advantage of me; in the different parts of the world I have been in, I do not recollect that I have had the pleasure of seeing you."—"Oh!" says he, "I went down with you from Sydney to Newcastle in the packet boat."

1916. Did he say from Sydney to Newcastle, or from Newcastle to Sydney?—It was one or the other, I cannot say which; said he, "I was a passenger with you, and we dined together in the boat;" and I said, "Well, I have not the slightest recollection of the circumstance." I then asked, "How long have you been in the country?" and he said, "I have lately," or "I have just arrived from the Cape of Good Hope—my attention has been attracted from the notice I see in the newspaper about the motion of Mr. O'Connell's relative to New South Wales, and, as an act of justice to you, Captain Robison, whom I have always considered an injured man, I have called upon you, and here is a copy of a letter I have addressed to Mr. O'Connell." I read this letter, and I said to him, "Well, now this is almost an act of Providence." I think I said, "In a crisis like this, where there is a very great difficulty in getting people to speak of by-gone transactions at the other end of the world, it does seem most providential your turning up just now," or something to that effect. I said, "Have you seen Mr. O'Connell?" and I think, to the best of my recollection, he said he had not, but that he had written to him. "Then," said I, "I am sure it will be a pleasing thing to him to find that you can speak to facts, and if you will allow me I will give you a few lines of introduction to him;" and I think I gave him a few lines of introduction to Mr. O'Connell.

1917. Give the history of the first communication, and every circumstance that passed, whether material or immaterial—if you offered him a glass of wine and so forth?—That brings it to my recollection; I think I said to him, "Will you take a glass of wine?" and I think he took a glass of wine and a biscuit.

1918. Endeavour to draw a picture of all that occurred, whether material or immaterial?—I said, "I do not know whether you are aware that I am in here for a libel upon General Darling," and said I, "I hope you will be able to prove with myself, the greater the truth the greater the libel;" and then I said, taking up one of these pamphlets, "there it is; there is a representation of what occurred there about Sudds and Thompson's business," and this led to a conversation upon the thing; and he said, "I am only surprised," or words to that effect, "that this thing should have lain dormant so long, for a more shameful act I never saw than that of the punishment of the soldiers;" and he then went on to state that his feelings were very much excited at the wretched state of the man's health when he came out of the barrack-yard (with Mr. Somebody or other, who was in his company, whose name I forget at this moment) to the

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gaol, and then he described the wretched state of the man's health, and he said, "I could hardly sleep during the night, it was all full on my mind, and next day, the next morning, I went down to the gaol gate, and asked the turnkey how that unfortunate soldier was," or words to that effect. "The gaoler then asked me if I would go in, and I went in, and he locked the gate, and he brought me to the soldier himself;" he said that he saw both Sudds and Thompson, and that Sudds was lying down at the time, and appeared to be so unwell that I think he asked him if he could do any thing for him, or how he felt; and to the best of my recollection, the reply that he said that Sudds gave to him was, "these irons will be the death of me," or "they are killing me," or some such words as that.

1919. Had he a lengthened conversation with you on the first occasion. It is important that you should state distinctly what occurred upon both occasions when he was with you?—I think I must have had some lengthened conversation with him, because after some little stopping I gave him a glass of wine, and he took a biscuit, which brings it to my recollection that he had a lengthened conversation.

1920. He showed you a letter, which you read?—He showed me a copy of a letter; he said, "there is a copy of a letter which I have written to Mr. O'Connell."

1921. Did he go on to tell you what he saw in the prison?—Yes, as I have mentioned.

1922. Is it in your recollection that he told you that, or did you get it from the paper that he showed you?—He began relating himself all that he had seen.

1923. Did that paper contain a statement of any kind?—Yes; it stated that he was present at this Sudds and Thompson's business, and volunteered, as far as I saw, to give all the information that was in his power.

1924. Will you go through the interview?—We had a long talk about it, all upon that matter, and said I, "Here is my libel upon which I have been convicted, take it home and read it." I think I gave him a copy of it; indeed I am sure I gave him a copy of it; I do not think about that, and I asked him to read it; then he has called upon me since.

1925. Had you any conversation the second time particularly?—Chiefly of the anxiety that the session should not run over without something being done, and we talked about it; I asked whether he was aware of any other individuals here at present that could speak as to the facts about Sudds and Thompson; that was the general conversation that I had with him; it was all about that, and about my being in here, and what I thought might be done by the Committee, as was natural.

1926. How long was he here upon each of those occasions?—Perhaps better than an hour.

1927. Upon each occasion?—I think so.

1928. Did you give him copies of more than one pamphlet?—Yes, I think I did; I think I gave him copies of the other pamphlet; that letter to the House of Commons.

1929. Did he take them away with him?—Yes.

1930. Did you point his attention to any particular parts of the letter yourself?—I think I pointed his attention generally to the soldier's case.

1931. You are sure that you gave him this pamphlet?—I am quite sure.

1932. How long was it between the first and second visits, do you think?—A very short time, I would say that it was hardly a day or two; he has come in occasionally since to ask me if he could do any think for me outside.

1933. But you had only these two lengthened conversations?—That is, as far as I recollect, only those two; but I think he has come in here when some people have been in just the same as persons might knock at the door, and come in and ask, had I heard any thing more of the Committee sitting, and so on.

Veneris, 28° die Augusti, 1835.

JAMES OSWALD, ESQUIRE, IN THE CHAIR.

Mr. *Norman M'Lean*, called in; and further Examined.

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1934. HAVE you anything to say with reference to the evidence you gave yesterday?—Yesterday, in one part of my evidence, I thought one question, with respect to my having been tutored, had reference to the time previous to my seeing Captain Robison in the King's Bench the second time. If there is an impression on the mind of the Committee, by the subsequent answers made by me, that I did not, I mean to say that I had not any pamphlets of Captain Robison till then. I wished to put the Committee right, for my impression was that the Committee alluded entirely to the time subsequent to my making my statement to the Member of the Committee.

1935. Do you understand the meaning of the word subsequent?—Previous, I mean. I had, subsequent to my statement to a Member of the Committee, certain pamphlets from Captain Robison; but, as I stated yesterday, I never read those pamphlets till last night, and in fact they confirm me even in what I stated here yesterday; I never read them till yesterday evening.

1936. Is there anything more that you wish to say?—No.

1937. Upon any other point of your evidence?—No, there is nothing else that I wish to explain just now, only I thought the questions alluded to some time previous to my making the statement.

1938. Have you got a copy of the first letter which you put into Mr. Maurice O'Connell's hand?—No, I have not.

1939. Have you a copy of the second letter put into Mr. Maurice O'Connell's hands?—No, I have not.

1940. Do you know whether any copy of that first letter is in existence?—No, I do not think that it can be; I did not keep a copy of it; in fact I had no expectation that I should be called on, nor had I any wish.

1941. Did you give Captain Robison a copy of that letter which you put into Mr. Maurice O'Connell's hands when you called upon him, after you had seen Mr. Maurice O'Connell?—I did not give him a copy of it.

1942. Did you show him one?—I showed him a copy of the note that I had sent to Mr. Maurice O'Connell, and the original note that I had addressed to Mr. Maurice O'Connell I had a copy of then, which I showed to Captain Robison.

1943. Did you leave that copy with him?—No, I did not; it was a mere bit of paper altogether.

1944. Have you that paper still?—No, I certainly have not; it was to the same effect with my statement.

1945. Do you mean to say that you called upon Captain Robison only twice in the gaol?—I do not recollect having called upon him more than twice. I think twice.

1946. You never called upon him more than twice?—Twice up to yesterday.

1947. You never called upon him more than twice up to yesterday?—No, I do not think that it was more than twice up to yesterday.

1948. Did you call upon him yesterday evening?—I did; I promised him to call, as he was ill.

1949. Had you any conversation with him?—I had. I certainly expressed astonishment at the expression made use of by an honourable Member of the Committee, that he had an impression that I had been tutored by him, when he must have been aware that he was not acquainted with any part of the evidence that I was giving, or had given; at least before I had made my additional statement.

1950. Did you call upon Captain Robison upon any other subject?—No, it was upon that subject; if it was upon anything else, it was upon friendly matters.

1951. Not connected with your examination yesterday?—No.

1952. You did not ask Captain Robison any other questions but those with regard to your having been tutored as a witness?—I made a remark to him,

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(I did not ask him a question) that I was astonished at it, and mentioned my surprise.

1953. Have you any further explanations to give with respect to your evidence of yesterday?—No.

1954. If the word tutored was applied to it now, what would you say to it?—I would say that it is a most unjust imputation.

1955. Do you still adhere to the statement you made yesterday, that you did not tell Captain Robison what passed in the prison with Sudds?—I never told Captain Robison the whole of what passed in prison with Sudds. I might have mentioned to him that I had seen Sudds in the prison, and I think my evidence was to that effect.

1956. Did you ever tell Captain Robison that the expression of Sudds was, "These irons will be the death of me"?—No, I never made use of the expression at all to Captain Robison, or to any one else, in those very words.

1957. Did you use words to that effect in the conversation with Captain Robison?—I might have mentioned that to Captain Robison.

1958. It appears that you did enter into details with Captain Robison of what passed between you and Sudds in the prison?—No, I did not enter into any details.

1959. Do not you consider that those are details of what passed between you and Sudds in the prison?—No, I did not enter into details with Captain Robison upon any occasion, either before or subsequent to my making the statement to a Member of the Committee.

1960. You say that you have been twice to the prison?—Yes, I was twice.

1961. Have you ever been occasionally since?—No, I have not; not to the prison.

1962. You are certain of that?—I was there last night; twice I have been at the gaol, and I do not recollect being there any more; I think twice alone till I had been there yesterday evening.

1963. What did you mean by this expression, in your examination yesterday, that you had no opportunity of seeing the pamphlets?—I meant on the first occasion; I did not think he had them convenient on the first occasion; but I had them subsequent to that; I had the pamphlets after that, I have already explained that.

1964. Have you seen the pamphlets?—Yes, I have.

1965. You stated yesterday, that you had no opportunity of seeing the pamphlets; when you were shown that pamphlet [*the pamphlet of Captain Robison,*] you stated that you had not seen it, and had no opportunity of seeing it?—I thought all the time that it alluded to the period previous to the statement that I made to Mr. O'Connell.

1966. But you were asked whether you had seen those pamphlets at all, and you said you had had no opportunity?—Then I have endeavoured to correct myself; I think I have done so as well as I could; that I had lost sight of that by the tact and talent of an honourable Member, but my meaning was, that I had them not previous to my making the statement.

1967. Were you not asked positively and directly whether those pamphlets were produced to you by Captain Robison in the gaol, and did you not as positively and distinctly deny that they were produced to you by Captain Robison in gaol?—If I did so, I have endeavoured to correct it.

1968. But a correction upon a subsequent day, after an interview with Captain Robison on the last day, is not quite so satisfactory as a correction on a previous day?—Certainly, it is for the Committee to judge.

1969. You now then admit that, though you denied yesterday that these pamphlets were shown to you by Captain Robison, and said that Captain Robison had not access to them in the gaol?—I did not state that he had not access to them, but that they were not convenient to him the first time I saw him.

1970. You limited it to the first time?—I did, because I thought the questions alluded to the time previous to my statement.

1971. Were not you asked this question, "Did not Captain Robison show you this red pamphlet, or a pamphlet like that, or any pamphlet?—No, he did not show me that pamphlet"?—All the time I thought that the honourable Member alluded to the time previous.

1972. Have you not said that you never read any pamphlet?—Yes, and I say so still, that I never read them till last night.

1973. And

1973

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1973. And you denied that you had seen this pamphlet, though it was placed in your hands by Captain Robison?—They were placed in my hands, and I thought the questions had reference to the time previous to my making the statement to Mr. O'Connell.

1974. The Committee call your attention to this question and answer which you gave yesterday: "Have you read any paper or written statement on the subject of this inquiry?—I have not, except what I saw in the public newspapers." Then the question is asked, "Did not Captain Robison show you this pamphlet, or a pamphlet like that, or any pamphlet?—No, he did not show me that pamphlet. Did he mention to you his pamphlet?—He mentioned the cause of his sufferings. Did he mention to you that any of the pamphlets written by him were in existence besides this one?—In the conversation that I had with him, I think on the second day, he mentioned that he was prosecuted by General Darling for a certain pamphlet for a libel; but I had no opportunity of seeing the pamphlet at that time. But he did not show you any pamphlet?—No, for he had not one convenient at the time, it would appear to me. Did he give you any written statement as to this case?—No, the conversation was general, principally on other subjects altogether. Had you read no paper or written statement on the subject of this inquiry?—I had not, except what I saw in the public newspapers." Did you not, when this pamphlet was put into your hands, state distinctly that you had never seen that pamphlet before you came into this room?—I thought that it had reference all the time to that previous period, as I have stated before.

1975. Were you not shown this cut, when you said that you had never seen it before till you were shown one by Mr. Maurice O'Connell?—I would say again that I had not seen that cut.

1976. It is the same one; you do not mean to quibble upon the identical pamphlet or cut which is now shown you?—I thought that the Committee alluded to that one when it was shown me; a similar one I acknowledged having seen.

1977. Then a publication of several hundred copies having been made, when, as a witness, the question is put to you whether you have seen the pamphlet before, you mean to say that you never saw the one that the Member putting the question showed you; but you do not mean to say that you never saw a copy of the pamphlet?—I could not mean that, for when it was shown me I acknowledged it.

1978. How do you know it was the same?—It appeared to me to be the same.

1979. Did you ever or not see that pamphlet before?—Of course I did.

1980. Then why did you deny it yesterday?—I have explained it.

1981. You went to New South Wales in 1826?—I did.

1982. Under what name did you pass at that time?—Under the name of M'Lean.

1983. Were you never called by any other name in that colony?—No.

1984. Are you quite sure of that?—Yes.

1985. Did you not answer to another name to a gentleman at the door of this Committee yesterday or the day before?—There was a gentleman at the door of this Committee who thought that he knew me by another name, but I did not know the gentleman.

1986. Did you not answer to that name?—No, I did not answer to that name; I could not answer to that name.

1987. Did you or did you not?—I did not.

1988. You did not answer to the name of M'Gregor?—I did not.

1989. You are positive of that?—Quite; I could not answer to any name but my own.

1990. Did you or did you not, yesterday or the day before, answer to the name of M'Gregor, to the person who addressed you by that name at the door of this Committee?—I did not.

1991. Were you ever employed in the Commissariat department, in any branch of it, in New South Wales?—Never; I was never employed in any public service.

1992. Were you at the door of this Committee-room the day before yesterday?—It is very likely that I was passing.

1993. Were you here when the Committee adjourned the day before yesterday, or about here?—Very likely.

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1994. Had you any conversation with Captain Robison the day before yesterday here?—Not particularly, that I recollect.

1995. Had you any conversation with Captain Robison the day before yesterday?—No.

1996. Nor any day that he has been examined here?—Not that I recollect.

1997. Did you see him the night before last at the gaol?—No, I did not.

1998. The night that he was taken ill?—I did not.

1999. When did you make the promise to call upon him last night?—That evening that he was excused by the Committee for being unwell; just as we were going down, I said, "I will call to-morrow evening and see you."

2000. Did you feel such an interest in Captain Robison, that though you had seen him only a day and a half in New South Wales nine years ago, and had seen him only twice in England, you made an appointment to call upon him immediately after you had given your evidence in this Committee, because he was not very well?—I certainly called upon him to make an inquiry, for I very naturally felt an interest in one who was suffering for various causes.

2001. Do you mean positively to assert, that except upon these two occasions, when you were present for an hour and a half each time, and last night, you have never called upon Captain Robison?—Except upon the two occasions and last night, I do not recollect calling upon him; I do not think that I have.

2002. The Committee must recall your attention to this pamphlet, which was put into your hands yesterday, being a remarkable pamphlet, because it has a red cover on it, with a cut on the outside, and because it is a libel for which Captain Robison was suffering in the King's Bench; it was asked of you pointedly whether you had ever seen that pamphlet before, and you asserted that you never had, unless it were two or three days before in the other room, therefore your present evasion, in declaring that you meant that you had never seen the particular or identical pamphlet in the hand of the Member, will not serve you, because you state in your evidence that you had seen the pamphlet in the other room a few days ago, and that that was the first occasion upon which you had ever seen it; having received this pamphlet from Captain Robison's own hand, how could you make such an assertion?—I thought all the time that it had reference to the time previous to my having made this statement; but, as I have stated before, the honourable Member, who put the question in a harsh manner, had put me a little out of my way; I all the time alluded to this previous period, that I could not have been tutored by those pamphlets.

2003. What did you mean by saying that you had never seen this pamphlet unless it was in the other room, two or three days ago, in the hands of another person; this pamphlet was placed in your hands, and you took it up and examined it, and said that you had never seen it till two or three days before, in the other room; how can you assert, in the evasion attempted to be palmed upon this Committee, that you had never seen this pamphlet, meaning not any other number of the pamphlet, but this particular number which was put into your hand?—I will say this, that the pamphlet which was shown then, I thought might be the one which was shown to me in the other room, and I admitted that much.

2004. Are you aware of what the charge is against General Darling; is it not a charge of murder or aggravated manslaughter?—I am not aware of what the charges are against General Darling; all that I am aware of is, what I have stated myself.

2005. Are you aware, that the attempting to give a colour to your evidence before this Committee by concealing the truth, is, if you were upon your oath, perjury; and that in this instance, where General Darling is concerned, your evidence, by departing from the truth, might have had the effect either of blasting his character, or of affecting his life; and therefore the Committee ask you whether you think your conduct in this particular can be justified in concealing the truth, and equivocating in the manner you have done?—I am not aware of having concealed any facts.

2006. Have you not said that you visited Captain Robison but twice in the King's Bench, and once last night, making three times?—I do not recollect; it is impossible for me to recollect whether I visited him more than three times altogether; it would be impossible for me to say that.

2007. Have you not said that you held no conversation with Captain Robison upon the details of the evidence which could be given; whereas it can be shown that

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that you did tell Captain Robison what had passed between you and Sudds in the gaol?—I did not tell Captain Robison so.

2008. Have you not said that you never saw this pamphlet, that you never had it in your possession, and had never read anything but the notes in the papers?—I never read anything till last night of the pamphlets.

2009. And is it not notorious that this pamphlet was placed in your hands a week ago?—It may have been; I say again, that I thought the questions had reference to my being in possession of those previous to my making the statement to the Member, that the Committee thought that I was tutored by him.

2010. You say that you thought that the questions had reference to the second visit, or to the first visit; which of the two did you say?—I thought it alluded to the time previous to my making the statement to a Member of the Committee.

2011. And that it had no reference to any subsequent time?—Yes.

2012. You say "You left the colony in 1830?—Yes. Have you never thought of the subject from that time to this?" Your answer was, "Often thought of it." You were then asked, "Have you read any publications upon it?—Nothing except the public papers." The next question was, "Where?—At home, since I came home." Did not Captain Robison place this and other pamphlets in your hand upon one of your visits?—Upon one of my visits he had given me those pamphlets; I have explained that already.

2013. Did you take those away with you?—Yes.

2014. Have they remained in your possession ever since?—Yes, till now.

2015. You were asked then "Have you never read any pamphlets upon the subject?—I never had; I never had any opportunity of seeing any." How do you account for that?—I certainly did not read any of those pamphlets.

2016. You said you had no opportunity of seeing them?—I alluded to the time previous to my making my statement; I never read them till yesterday evening.

2017. Are you aware that this part of your examination is anterior to any reference to your communication with Mr. O'Connell?—The Member succeeded in mixing both times together, the previous and subsequent times, without my intending it.

2018. Are you aware that those questions which have been read to you are the first questions of what may be called the cross-examination?—The honourable Member putting the cross-examination must be the best judge.

2019. It appears from the written evidence that those questions were the very first questions that were put to you after the examination in chief; how could the cross-examination then have led you into error?—[*The Witness made no answer.*]

2020. Your attention was called to the frontispiece, in the examination of yesterday; you said that it was a fair representation, but that you had never seen it before?—That I had never seen that before; but I acknowledged, I think, having seen one, before the question was asked me, in the hands of Mr. O'Connell.

2021. Do you mean to say that all your evidence given to-day and yesterday is as true as your answer to the last question. The Committee put the question to you deliberately?—To the best of my belief, my answers are as correct as I possibly could have given them, and I give a similar answer to that question now.

2022. Will you now pledge your credit to this, that you had admitted this representation before that pamphlet was shown to you?—Yes, I think that I did before that was shown to me.

2023. Did you admit it yesterday?—I think I did.

2024. This pamphlet was shown to you yesterday, and you were desired to look at that representation; you were asked whether you had seen it before; you said you never had, but that it was a fair representation. You were pressed upon that subject, and at last a Member showed you a paper, and you admitted you had seen that, having no letter-press upon it, but the frontispiece in the pamphlet you denied having seen before?—I certainly alluded to that book particularly, that I had not seen it, except in the next room.

2025. Do you mean to say that it was your intention not to refer to the pamphlet as printed, but to the individual copy?—I had reference, or I wished to keep in view the appearance of the original, not of any copy that was placed before me.

2026. Do you mean to say that in answering the questions it was the intention to confine your attention to the individual copy in the hands of the indivi-

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dual Member, or that you were not asked as to any copy of that pamphlet?—To that which was shown to me.

2027. So that if you had seen 20 copies, and had not seen that identical copy, you would have answered as you did?—That I had not seen it.

2028. And you expect to be believed when you say that?—I have given my answer to it.

2029. You expect to be believed?—I should hope to be believed.

2030. Had you seen the pamphlet previous to your letter to Mr. O'Connell?—Not previously, but subsequently to my having made my statement.

2031. How many pamphlets did Captain Robison give you, do you recollect?—He gave me a copy of two or three.

2032. Was that the first time that he called upon you, or the second?—It must be the second.

2033. He gave you two or three pamphlets?—Yes.

2034. And those you took home with you?—They were wrapped up with something round them, and I did not read them till last night.

2035. What was your reason for laying them by without reading them?—I was rather busily engaged since I arrived in England, with my attendance here and other matters, and I never looked at them, never so much as opened them till last night.

2036. Do you mean to say that you never saw any pamphlet before you put the paper into Mr. Maurice O'Connell's hand?—No, I never did; I never saw them at all, to say the truth, till yesterday evening; I did not look at them; he told me that they were the pamphlets; I took them home with me.

2037. How came you to look at them yesterday evening?—Because reference was made yesterday to them in certain points; I wished to look over them.

[The Witness withdrew.

The Committee deliberated.

Motion made and question proposed, that Norman M'Lean, in his evidence before this Committee, has been guilty of gross prevarication.

Question put and agreed to *nem. con.*

Ordered, That the Chairman do report the said Resolution to the House.

Sabbati, 29° die Augusti, 1835.

JAMES OSWALD, ESQUIRE, IN THE CHAIR.

Captain *Robert Robison*, again called in; and further Examined.

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2038. YOU admit that Sudds was brought up in the custody of the civil power, on the 22d of November 1826, to the military parade, there to be punished, and that the irons were upon that occasion put upon him?—Yes.

2039. You admit that he had been in gaol from the 20th of September, which appears upon the Parliamentary papers to be the date of the theft?—Just so.

2040. You admit that he was convicted on the 7th of November?—Yes.

2041. That he remained in the gaol from the 20th of September up to the 22d of November, the day of the punishment?—Yes, according to the Parliamentary papers.

2042. You admit that it appears in the papers before Parliament that there was a surgeon in the gaol?—Yes, to attend the gaol.

2043. You admit that the gaol was under the superintendence of the sheriff and the justices?—Yes.

2044. You do not know of any instance when any report of prisoners being sick was made to the Governor?—I have no personal knowledge.

2045. Have you any means of knowledge that such reports were usually made to the Governor?—No, I have not.

2046. Have you any means of knowing whether it is the practice or not; can you say one way or the other?—No.

2047. Do you know of any report or communication from the surgeon to General Darling that Sudds was ill?—No.

2048. Had

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2048. Had you an opportunity of knowing one way or the other?—No, my duty was not connected with it.

2049. You admit that General Darling was not on the parade?—He was not.

2050. You admit that there were detachments of three regiments on the parade?—I think my expression was, the head-quarters of two regiments and part of a third.

2051. Colonel Stewart made no report upon the state of Sudds to your knowledge?—No, I do not think that he did.

2052. Did any of the other officers on the parade make any remark upon the state of Sudds?—No, not that I recollect.

2053. You made no remonstrance on the parade?—No.

2054. Nor any other officer?—No, not on the parade.

2055. Did you make any remonstrance to General Darling immediately or shortly after the parade, or to any official person?—No.

2056. Do you know of any such representation being made by any other officer?—No.

2057. You said that though you might have mentioned the subject at the mess, in the presence of Colonel Stewart, you made no direct or formal representation to him?—No, I did not.

2058. You did not know that, previous to Sudds' admission into the hospital after the punishment, the state of his health was communicated to General Darling?—I have no personal knowledge of it.

2059. Have you any reason to believe that any communication was made to General Darling previous to Sudds' admission into the hospital and after the punishment, of the state of Sudds' health?—No.

2060. To the best of your knowledge and belief, were not the irons removed from Sudds' person within a very short time after his removal into the hospital?—It is expressly stated in the Parliamentary papers.

2061. Do you know any thing of it yourself?—Not of my own knowledge.

2062. Do you know, or have you any reason to believe, that General Darling interposed any obstacle to their removal?—I have no knowledge of that fact, and I have no reason to believe it.

2063. No coroner's inquest was held upon that occasion?—Not to my knowledge.

2064. Was there not, early in December, an investigation before the Executive Council?—Yes, there was.

2065. That Council consisted, besides the Governor, of the Chief Justice of the island, of the Archdeacon, of the Colonial Secretary, and of Colonel Stewart, who was then second in command?—Yes.

2066. All those persons were *ex officio* members of the Executive Council?—Yes.

2067. And were not put on the Council by General Darling for that special inquiry?—They did not get their appointments from General Darling, but they were ordered by him to meet to inquire into this matter.

2068. But they were not put on the Executive Council by General Darling with reference to that inquiry?—No.

2069. No persons who were members of the Executive Council were excluded on that occasion?—No, they were all there.

2070. Every body who was a member of the Executive Council was allowed to be present?—The Archdeacon was not present on the investigation; he was in Van Dieman's Land.

2071. Not by the procurement of General Darling?—No, on a visitation, I believe.

2072. You say you did not see the irons before they were put on Sudds?—No.

2073. And that you saw them while they were being put on; and that you did not see them afterwards till certain irons were produced to you in Emu Plains?—Yes.

2074. Was that in May or June 1827?—Yes.

2075. Upon that occasion you tried them on, but did not weigh them?—Yes.

2076. You estimated the weight as between 30 and 40 lbs?—Yes.

2077. Lieutenant Christie estimated the weight at 60 lbs?—Yes.

2078. You stated that Mr. Kinghorne held them out in his hand, though

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not for a long time?—I think I described that as well as I could, by saying that he lifted them up, but could not hold them out in his arm, to the best of my recollection.

2079. You cannot assert that the irons which have been produced before this Committee are not heavier than the irons produced before you at Emu Plains?—No, I cannot.

2080. What is your belief of that; do you believe that the irons here are heavier or lighter than the irons produced to you at Emu Plains?—They seem pretty nearly that weight, I should say.

2081. Do you know what the weight of those irons are?—No, I do not.

2082. Those irons have been weighed by the clerk, and it appears that they are of the weight of 19¾ lbs.; are you aware of that?—No.

2083. You saw certain irons produced at the Executive Council?—Yes, in 1829.

2084. What should you estimate the weight of those irons?—I think somewhere between 18 and 20 lbs; but it is mere recollection; they appeared to me to be that.

2085. But you said that you could not venture on your oath to swear that they were not the same irons that were produced before you on Emu Plains?—I would not venture to swear it, certainly.

2086. If they were but half the weight of those you saw at Emu Plains, you could have felt no difficulty in swearing that they were not the same, could you?—I should be very loath to swear any thing at all about it.

2087. Suppose you were shown a 7 lbs. weight and a 14 lbs. weight, you could very easily swear that the 7 lbs. weight was not 14 lbs. weight?—Yes, to the best of my belief, certainly.

2088. Then the difference of weight could not have been very considerable if you are not positive of the diversity between the two?—No; I thought, to the best of my recollection, that the weight was in the lower part of the irons.

2089. If that there had been any great difference in the weight, you could have ventured to swear that they were not the same irons?—To the best of my recollection they were not the same; at least the irons that I saw at Emu appeared to me to be heavier below than the others that I saw. I could not venture to swear to it. When I come to talk of swearing of a thing, I should be very cautious of doing so.

2090. But if the difference of weight had been very great, you could have felt no difficulty in swearing that they were not the same?—No, if it were very great.

2091. If it appear from the Parliamentary papers that two respectable persons have positively sworn that those irons were the same irons that were produced to you at Emu Plains, do you think that you could venture to set your impression in opposition to an oath on a matter of fact?—I should be very sorry to set my mere opinion, in a matter of opinion, against any man's oath.

2092. The irons that were produced before the Executive Council were weighed?—Not in my presence.

2093. You do not know what was the weight?—No, they were not weighed in my presence.

2094. That was before the Executive Council in 1829?—Yes.

2095. That Council was composed of Archdeacon Scott?—Yes, he presided.

2096. And the Colonial Secretary was there, and Colonel Lindsay, the second in command, and all those three persons were *ex officio* members of the Executive Council, and were so appointed *ex officio* the members, without the interference of General Darling?—Yes.

2097. Mr. M'Leay had been Colonial Secretary before General Darling went out to New South Wales?—I believe he had for a short period.

2098. You are aware that Chief Justice Forbes upon that occasion was requested to be present, but that he declined in consequence of the Colonial Secretary in England having thought it unfit that the Chief Justice should be a member of the Executive Council?—It is so stated in the Parliamentary paper by a letter under his hand.

2099. On that occasion, as on the former occasion, no one single individual was excluded from the Executive Council who belonged to it, nor was any one person put upon the Executive Council with reference to that particular inquiry?—No, certainly not.

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2100. Upon that occasion General Darling took no part in the inquiry; he did not act as part of the Executive Council?—No, he did not attend the second inquiry in person.

2101. Did you ever see such a punishment inflicted before?—Never.

2102. Did you ever since in the colony see such irons used, or such a punishment inflicted?—Never.

2103. Did you at that time see any medical man upon the parade?—No.

2104. Was it the duty of the medical men, the regiments being formed in that way, attached to the regiments to have been present, or some of them?—Clearly so.

2105. Is it the practice when troops are formed for punishment of any description, always to have medical men on the parade?—I never knew a punishment without a medical man.

2106. Did Thompson attempt to address the troops?—To the best of my recollection he did.

2107. What was said to him on that occasion, and by whom?—Colonel Stewart, who commanded the parade, addressed Thompson and ordered him to hold his tongue, and I think Thompson was beginning to say something, and he said, "Not a word; if you attempt to speak, I will try you by a court martial."

2108. Did he make use of the words "flog you?"—Yes.

2109. And it would have been the duty of a medical man to have attended if that threat had been carried into effect?—Yes.

2110. Was there a medical man attached to your corps?—He was absent.

2111. Was he doing duty with his corps at the time?—I do not know whether at that period he had been attached to the civil service, but I rather think not at that time; he was not present.

2112. Are you aware that General Darling knew that there was no surgeon on the parade on that occasion?—No, I am not.

2113. Do you attribute it to General Darling taking any measures to prevent the attendance of a surgeon on the parade?—No.

2114. You acquit him of all blame in that respect; he having given a general order for a general parade, and assuming that that general parade would be conducted in the ordinary manner?—Unquestionably I conceive that General Darling thought that a surgeon would be present.

2115. Do you know whether Thompson, the other man, was worked in those irons after Sudds' death?—Yes.

2116. Are you aware for how long?—Some days.

2117. The evidence in the Parliamentary paper says from eight to ten days?—I think it does.

2118. Do you know whether Thompson was ill after those irons were taken off him, and in consequence of the irons being on him, or does it appear that Thompson was ill of a dysentery about three weeks after the irons had been taken off him?—I can only give hearsay about this.

2119. You saw Thompson in Sydney in 1829 when he was returning to his regiment?—I did.

2120. Did you hold any conversation with him then?—Yes, he called at my quarters.

2121. Did you speak to him about those matters?—Thompson called upon me at my quarters after his return from Morant Bay, and he then stated to me that he would be always forthcoming to state the facts of the irons on Sudds having caused his death.

2122. Do you know of your own knowledge, or have you any reason to believe, that at the time those irons were taken off Thompson, he was ill?—No, I have no knowledge of that.

2123. But do you believe that about three weeks after the irons were taken off Thompson, he was then ill of dysentery?—Yes, that is so stated.

2124. Did Thompson, when you saw him in Sydney, or at any time, complain of the pressure of the irons while he was compelled to work in them?—Thompson, to the best of my recollection, when he called upon me in 1829, stated generally about the irons the punishment they caused him while he was worked with them on the roads.

2125. Are you aware that he suffered particularly about the neck?—He stated that the pressure of the iron on the neck, and keeping him working on the mountain road there, was a dreadful punishment to him.

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2126. You stated in your evidence before, that the upper part of the irons and collar, and the two chains, that you saw in the Executive Council in 1829, were the same that you had seen at Emu Plains?—Yes, it struck me that they were, as far as the collar went. The general impression upon my mind was, that the upper part was all the same, but that there was a difference below. In concluding my evidence, I would take the liberty, though I see the court martial is excluded entirely from this investigation, to make a suggestion upon a point that does not inculpate General Darling, but which is of great importance to me, situated as I am, whether the Committee will be kind enough to take into consideration, that, at the period of my leaving the colony, during the time that I was there, all the other officers and soldiers but myself had received a grant of land, and my happening to be on full pay at the time was made a reason why I could not receive it. This point will not involve the question of the court martial of General Darling; it is simply this, that the court martial in discharging me (without imputing to them any motive), I would suggest to this Committee, did not mean to inflict two punishments, that is, that they did not intend to take my commissions from me as well as my grants of land, because, by the regulations of the colony, an emancipated convict would be allowed a grant, therefore I would throw myself upon the kind feeling of the Committee, whether they would not feel justified in taking some notice of that, for it is part of the inquiry with reference to the veteran companies, and it has nothing to do with the court martial, and it does not inculpate General Darling. It is admitted, that the only reason that they did not give me the grant was because I happened to be on full pay.

2127. Will you be so good as to look at page 9 of 586, and you will find that your protest is dated 8th day of May 1829, whereas the Minute, No. 11, is dated the 7th of May 1829?—Yes, it so appears.

2128. That circumstance you say might have led you to the conclusion you formed, as to the manner in which those Minutes were made up?—Yes.

2129. The Committee having now obtained from the Colonial department a paper, which is to the following effect: "In the original Minutes, sent to the Secretary of State's office, Moore, Steele and Robison appear to have been examined on Friday the 8th; Minute, No. 12. The error in the printed paper arises from the omission, either of the printer or clerk who made the copy." The omission is noticed in the Secretary of State's book, and it can be explained by moving for a copy of the Minutes of Nos. 11 and 12, of the 7th and 8th of May 1829. By this explanation, received from the Colonial Office, it would appear that the Minute, No. 12, which had been sent to the Colonial department, has, by some error of the printer or of the clerks of that office, been omitted. Now that this explanation has been given to you, and which, of course, cannot be disputed, the Committee ask you, with reference to the case of Sudds and Thompson, whether your suspicions, as given in the former part of your evidence, that General Darling, Archdeacon Scott, the Colonial Secretary and Colonel Lindsay had been parties to garble the Minutes of Council, are in your mind done away with?—Most assuredly they are.

2130. Therefore the charges, as regards Sudds and Thompson, of garbling the evidence and suborning perjury, made in your pamphlet, you wish to withdraw?—Clearly so, I do.

2131. General Darling is accused of having refused to grant you land when you asked him for a grant of land; had he the power to give it you as you were on full pay; was it contrary to the regulations at the moment, you being at the time on full pay?—Yes, it was.

Henry Grattan Douglas, Esq. M.D., called in; and Examined.

H. G. Douglas, Esq.

2132. WHAT is your profession?—A physician.

2133. Of what college?—Of Trinity College, Dublin.

2134. Do you hold any honorary situation attached to the King's household?—I am one of the physicians extraordinary.

2135. Did you hold any situation or situations, at any period, in New South Wales?—Yes, several.

2136. Were you clerk to the Legislative Council in the month of August 1826?—Yes, I believe I was, but I cannot exactly speak to the month, because I was moved from time to time from the clerkship of the council to the commissionership of the court of requests.

2137. Was

2137. Was it your duty as such clerk to sign the various Acts which passed the Legislative Council?—It was.

2138. Do you recollect signing that Act, No. 5?—Yes.

2139. This Act is testified by you as having passed the Legislative Council on the 16th of August 1826?—I cannot speak from memory of the date; but being so certified it is correct.

2140. Do you hold any situation in New South Wales?—None whatever.

2141. Were you in Sydney during the month of November 1826?—I believe I was.

2142. Did you hear of the punishment, in that month, of the soldiers Sudds and Thompson?—Yes.

2143. Did you see those men punished?—No.

2144. Did you see the irons which you were informed had been put upon them?—Yes; I recollect being in Mr. M'Leay's, the colonial secretary's office, and seeing irons lying by the grate: from what had been said, and from the collar, and the spikes, I asked Mr. M'Leay, "Are those the irons?" and his answer was, "Yes."

2145. You did not weigh those irons or take them up in any way?—No, I did not; I did not touch them, I merely saw them.

2146. You were a police magistrate in New South Wales for some years?—Yes.

2147. Had you charge of the depôt at Paramatta?—Yes, I was visiting magistrate.

2148. The hospital there was under your charge?—Yes.

2149. Did you ever act as visiting magistrate in the gaol at Sydney?—No, not particularly in the gaol of Sydney; it was the custom of magistrates when they came down to the counties in the interior, to assist as visiting magistrates, and I did that.

2150. Have you visited the gaol at Sydney in your capacity of magistrate?—No; I have gone into the gaol, but I cannot say that it was in the capacity of visiting magistrate, because I did not interfere.

2151. You were visiting magistrate of the gaol of Paramatta?—Yes.

2152. With regard to those gaols, was there one system of regulations as to their proceeding; had you any Government orders in relation to them?—When I went first to the colony, the only prisoners that I recollect to have worn irons were those of the gaol irons.

2153. Was there one system of regulations for the various gaols in the colony; have the visiting justices of the gaols in New South Wales the same power of making rules and regulations with respect to gaols that the other justices have, or was there one general code applicable to the gaols throughout the island?—I fancy originally that those were put down by the Governor, and I do not know that they were much departed from.

2154. But the visiting justices of the gaols have the power or the jurisdiction of varying the regulations in the different gaols according to their respective discretions?—I cannot understand what "the regulations" mean.

2155. As to the management of the prisons?—Of course, at a given hour, they get up in the morning, and have certain articles of diet, and you would expect that they were proper, and if there was any complaint you remedied it.

2156. As to the regulations for hard labour?—That was part of the sentence of the bench.

2157. As to the time that it should last?—That was part of the sentence of the bench.

2158. Are not the minute details of prison discipline laid down by the visiting justices, rather than by any general regulation for the whole island?—I do not think there was any general regulation, but I may be wrong; at Paramatta, with which I was most especially connected, if I had thought proper, I should have given directions for such and such things to be done for part of the gaols.

2159. And therefore what is done in the gaol at Paramatta is no rule for what is done in the gaol at Sydney?—None at all.

2160. What was the usual duration of sentence for working in iron gangs, as far as your experience went, upon the road?—They were different; they were in the discretion of the benches, or in the quarter sessions of the criminal

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court; there might be a sentence to work for six months or for two years, or for a longer period.

2161. What is the longest period that you recollect?—I can scarcely say the longest.

2162. Was seven years working in irons on the road an usual sentence?—No, that was an extreme sentence.

2163. Have you seen the irons generally used in the gaol of Sydney?—Yes.

2164. Are you aware of the description of irons which are charged as being put upon these men, Sudds and Thompson?—Yes.

2165. Did you ever see such irons used in Paramatta or Sydney, or in any gaol in the colony?—No.

2166. Did you ever know of their having been used, except in this instance?—No.

2167. Do you know Chief Justice Forbes?—Very well.

2168. Were you in the habit of communication with him generally?—Yes.

2169. Have you had conversations with him on the subject of this punishment?—I have had private conversations with Mr. Forbes.

2170. You said that the length of punishment was sometimes six months, sometimes a year, sometimes two years; are you aware that, under the statutes in England for hard labour, you may send a person for four years' hard labour for slight offences?—I know nothing about that.

2171. Are you aware that very recently, within the last two years, it has been found necessary to increase the severity of punishment in New South Wales?—I have understood so.

2172. And you are aware that instructions have been given to the different judges of assize in this country, to point out in their sentences those persons who are to be sentenced to punishment, in a remote degree of severity, and a slighter degree of severity, in New South Wales?—I have lived out of England for some years past, and I am not cognizant of it.

2173. But you have reason to believe that it has been found necessary to increase the severity of punishment in New South Wales, for the convicts sent out from this country?—So I have understood.

2174. You said that it was an extreme degree of punishment; do you know of instances besides this one?—There may have been, but I do not recollect them.

2175. You do not mean to negative the existence of such punishments for seven years, do you, or for 14 years?—I never heard of that.

2176. But you do not mean to say that you have not heard of punishment for seven years?—No, but I know of no case of it.

2177. Have you ever served in a military capacity?—Yes.

2178. In what?—I was in the Peninsula in 1809 and 1810; in Jamaica from 1811 to 1812, as assistant surgeon of the Staff, and surgeon of the 18th; then I retired from the army.

2179. Then, having served in the army, you are aware, that when soldiers maim themselves, or do any thing to evade military service, very great importance has always been attached by military men to that point, so as to prevent it by every means in the power of the military officers?—No doubt.

2180. Is it within your knowledge, that about this time, namely, 1826, several cases had taken place, of soldiers in the 57th regiment in particular, but also of the Buffs as well, in which men had either maimed themselves or committed larcenies, in order to obtain their discharge?—I understood that had been the case, but I did not know it of my own knowledge; I have understood it so.

2181. Then, considering that in New South Wales there were upon the average about 1,500 men under arms, and a population of from 25,000 to 35,000 convicts, and also considering the nature of the service in that colony, you are of opinion, are you not, that it was very important to the discipline of the army, that this disposition on the part of the soldiers, to prefer becoming convicts, rather than going to the East Indies or elsewhere, should be checked?—No doubt.

2182. Therefore, the peculiar situation of the colony of New South Wales was such, that it required, in that particular, that the discipline should be maintained with the utmost strictness?—Surely.

2183. It

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2183. It will appear, that 14 days after General Darling's arrival at Sydney, namely, on the 2d of January 1826, he published the following general order: "Sydney, 2d January 1826:—1st. The Lieutenant-general calls the attention of officers in command at the penal settlements and other detached stations to the consequences which must result to the service from any intimacy being permitted between the soldiers and prisoners of the Crown, and they will be pleased to take the necessary steps for putting an immediate stop to it. 2d. It is hoped that the soldiers themselves are alive to the distinction which exists, and which it is of importance should be preserved, between them and convicts; they must not indulge in any familiarity with them, such intercourse would be inconsistent with the proper discharge of their duty, and highly injurious to the public service. 3d. The soldiers are not to suppose, however, that the ill-treatment of a convict would be passed over with impunity. The Lieutenant-general assures them that any such act would be promptly and severely punished. It would be as unbecoming the character of a British soldier, as an indiscriminate association with men under the sentence of the law would be degrading to it. 4th. The foregoing is to be considered a standing order, and it is immediately to be communicated to the men, and to be read monthly to the corps and detachments with the articles of war. 5th. The officers in command of penal settlements and detached stations will consider it their especial duty to see it strictly enforced." That general order may have come to your knowledge during the time that you were there?—It did not; I dare say it took place; I do not mean to deny it.

2184. It appears by the Parliamentary papers that have been laid before the House of Commons, that eight men in the 57th regiment in one year maimed themselves or committed larcenies for the purpose of evading their military duty; if such were the fact, does it not establish in your mind, coupled with the circumstance of this general order having been issued within 14 days of General Darling's arrival, that he considered the state of the army in that colony to be such as to require a strong example?—Certainly.

2185. If such were the state therefore of the colony, that two soldiers had absolutely blown off their hands in order to evade military service, and that in the case of Sudds and Thompson, those two men had avowedly committed larceny for the purpose of evading the military service, and knowing, as you do, the importance attached to the prevention of this crime, you will probably admit that that mischief required a very strong remedy in the instance that has been mentioned?—I will.

2186. You are also aware that in the army, you having served in the Peninsula, a soldier for plunder on the line of march would be hung up on a tree by the provost martial in order that he might serve as an example to the troops passing by, whilst for the same crime in canteens the soldier would be punished with all the deliberation and form of a court martial?—Yes, that is the fact.

2187. So in this country, marching from London to Windsor, a soldier is liable to be drummed by a court martial, who for the same offence of insubordination, would in the barrack yard be tried by a regular court martial?—Yes, I believe that to be the fact; I cannot state it positively.

2188. Therefore according to the system in the army, the discretion to be exercised by a military officer very much depends upon the exigency of the military case that he has to consider?—No doubt of it.

2189. In the case that is now before the Committee, namely, the case of Sudds and Thompson, if it had been a solitary case, or the first of any cases that had occurred in that regiment or in that colony, the degree of punishment would have been measured by whether it was the original offence on the part of those men, and not whether the crime had crept into that regiment and had become frequent?—As far as regarded the military punishment.

2190. Do you know whether after this punishment those military crimes by soldiers ceased?—I do not think that I ever heard of such crime after.

2191. How long did you live in the colony after that?—I left in May 1828.

2192. Had you seen the general order, dated "Head Quarters, Sydney, 22d of November 1826, of General Darling, which is stated to have been read on the parade?—It is very likely that I read that at the time, but I do not remember it.

2193. There is this passage in it: "The Lieutenant-general regrets that it has become his duty to expose to the indignation of the troops two soldiers who

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have committed an offence under circumstances which leaves little doubt that their object was to obtain their discharge from the service." He says again afterwards, "The ignominious condition in which they are now exhibited to their former comrades, is the best commentary on their proceedings, and the total failure of their scheme will furnish a lesson, should it be necessary, to warn others against any similar attempt." He goes on to refer to the case of two other officers, and then he says, "In order to render this example still more complete." Then he refers to their case, and he says, "It is to be hoped that by the disgrace they have now undergone, and the punishment which awaits them, of seven years' exile in chains, they may be disposed to atone for the injurious effects of their conduct?—I think I recollect that.

2194. Is it not manifest from those words that the object of General Darling in this punishment, and in issuing this general order, was to hold out the punishment inflicted on these two men as an example to deter others from like offences?—No doubt of it.

2195. And he thought it necessary under the peculiar circumstances of the case?—I should say there is no doubt of it, that he thought it necessary.

2196. Are you aware that when Sir Henry Hardinge was Secretary at War, there were numerous cases of persons applying for pensions on the score of being maimed from gun-shots in their hands, and that inquiry was made when those accidents happened, and it appeared that those men had been sentenced in gaols, and that their muskets on that occasion were loaded with ball, and that the order was then issued that no person should have a pension for being maimed under similar circumstances, and that from that time to the present no act of maiming has ever occurred?—I do not recollect it, but I dare say it is the fact.

2197. Do you know any thing about it?—No, I do not recollect it.

2198. Are you acquainted with Sir Herbert Taylor?—No.

2199. You have heard of Sir Herbert Taylor?—Yes.

2199.* And you are aware that his character in the army was one that officers of every description looked up to with respect?—Yes.

2200. If the Committee were to read to you an extract from a letter from Sir Herbert Taylor, Deputy Secretary of War to General Darling, connected with the case of Sudds and Thompson, you would consider that an opinion proceeding from such an authority would be one entitled to your respect, from what you may have heard of the character of Sir Herbert Taylor?—I should consider it entitled to great respect.

2201. The following is an extract of a letter from Sir Herbert Taylor: "War Office, Military Branch, 10 July 1827"—it is to be observed that the reason why it is put "Military Branch" in this letter is this, that Sir Herbert Taylor was at that period the Deputy Secretary at War to Lord Palmerston, who then combined in his own person the two offices of Secretary at War and Commander in Chief, after him the Duke of York, and during Mr. Canning's administration—"I have the honour to acknowledge the receipt of your letter of the 16th of December last, with its several enclosures, which I have laid before the Secretary at War. His lordship, upon attentive consideration of all the circumstances connected with the case of Sudds and Thompson of the 57th regiment, does not think that the course taken by you was otherwise than justifiable, or that blame can attach to you for the mode of punishment to which you resorted, in order to check the commission of felonies for the purpose of getting rid of the service." That opinion will be in the army even with those who are in other situations entitled to some respect?—Every body must respect the character of Sir Herbert Taylor; it is another matter how far other people will agree with that opinion.

2202. But Sir Herbert Taylor is, from what you have heard of him, a man of noted humanity?—I believe so.

2203. And this letter states that Lord Palmerston, who was then Secretary at War, says that he, upon an attentive consideration of all the circumstances connected with this case, came to the opinion you have heard read?—Yes.

2204. So that, in fact, it is the opinion of Lord Palmerston?—No, it is an opinion Lord Palmerston expressed by Sir Herbert Taylor; but it does not show that it is the opinion of Sir Herbert Taylor.

2205. Is Sir Herbert Taylor still alive?—I believe so.

2206. Do you know any reason why he could not be called before the Committee?—No.

2207. Do you know any thing of the statement of the circumstances or of the information laid before Sir Herbert Taylor, upon which this letter was written?—I can know nothing of the shape of information, or in what manner the information was laid before Sir Herbert Taylor.

2208. Nor to what extent?—No.

2209. Nor by whom?—Nor by whom.

2210. Will not the value of that letter depend upon the statement of the circumstances upon which it was founded?—I gave no opinion as to the value of that letter, but as to the character of the individual who signed it.

2211. That is an expression of approbation of General Darling's conduct as a military man?—Yes.

2212. And of course has no reference to the legality or illegality of the punishment?—No.

2213. Did you act as a magistrate after the end of August 1826?—Yes.

2214. Had you ever occasion to act under this Act of the 7th of George IV., which you state your signature here, as clerk to the Council, the "Transportation Act?"—No, I never sat on the bench under that.

2215. Upon any occasion?—No.

2216. Are you aware what the practice was as to persons who came free into the colony under that Act?—I cannot charge my mind with any person that came free to the colony at that period, having been found guilty under that.

2217. You do not recollect having acted under that Act as magistrate?—No, I did not.

2218. Are you aware of what the practice was with regard to holding coroner's inquests upon persons dying in gaols or in the gaol hospital; were you a medical officer of the colony at any time?—Yes, at any time, but not at that time.

2219. Were you, as medical officer, conversant with the practice of holding coroner's inquests?—The practice was the same in every part of the colony. If a man died suddenly, or under suspicious circumstances, a coroner's inquest was called; but if any man had been any time under treatment, it entirely depended with the medical officers of the gaol whether they would call any inquest or not; that is the case every where.

2220. Then, suppose a man had been under medical treatment from the 11th to the 16th, had continued in the gaol hospital, though positively not under medical treatment, from the 16th to the 22d, had again come under medical treatment from the 23d till his death on the 27th, should you consider that a case for a coroner's inquest?—I should think it would be a case in which the medical officers, or the visiting magistrates, would consider whether there was any thing peculiar in it, which ought to call for that inquiry.

2221. It would rest with the judgment of the medical officers of the gaol?—Yes, or the visiting magistrates.

2222. Whose duty was it to report the death of a prisoner in the gaol hospital or in the general hospital?—I fancy in the gaol hospital the death of a prisoner would be reported by the gaoler to the sheriff, and by the medical officer attending the gaol to the surgeon.

2223. If there were any extraordinary circumstances, attended with the death of the person, would it be the duty of the principal surgeon to report to the Governor?—No.

2224. To whom would it be his duty to report?—To the Colonial Secretary.

2225. Was it the duty of the Colonial Secretary to report that to any body?—I fancy to the Governor, as every thing was for the Governor's information.

2226. Have you ever known an instance in which the death was so reported by the Colonial Secretary?—There are regular returns every week beyond the regular returns. I do not know any particular case.

2227. But there was a regular return of deaths in the hospital?—Yes.

2228. Have you prepared any of those returns as a surgeon?—Yes.

2229. Did that return state the circumstances under which the man died, and the circumstances under which he came into the gaol?—No.

2230. It stated merely his name?—Yes, unless there was any thing particular; and if we thought there was any thing particular in the medical treatment of the case, we had great facilities for making *post mortem* examinations immediately, of which I always availed myself.

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2231. You say, on the death of any person to which any peculiar circumstances attached, there was a great facility for making *post mortem* examinations?—Yes; it is one of the best schools for that, for we have no hesitation in examining the bodies of convicts when they die.

2232. Are you aware that there was a *post mortem* examination in this case?—I am not, except upon the Parliamentary papers.

2233. And immediately upon his death?—At the death there was a good deal of conversation about the Medical report, and what the man died of in the colony.

2234. How often are those reports made by the medical officers to the Colonial Secretary?—I think weekly, and monthly to the principal surgeon, and my practice in Paramatta was different.

2235. What was the practice at Sydney?—I cannot speak exactly to that. I think it was every week reported to the Colonial Secretary.

2236. Do you know of your own knowledge, or from any competent information, the practice of the gaol at Sydney?—Yes, it was always the practice to report to the principal surgeon.

2237. Weekly?—Yes.

2238. And the principal surgeon used to report monthly to the Colonial Secretary?—Yes; I think I have seen in the Colonial Secretary's office the weekly reports to the principal surgeon.

2239. You are confident that the principal surgeon reports weekly to the Colonial Secretary?—I give it as my firm opinion.

2240. Or do you mean to say, that at the end of each month the principal surgeon lays before the Colonial Secretary the weekly reports?—No; there was a monthly report, and to the best of my knowledge the surgeon sent in a list of all the casual cases that occurred every week at the Sydney Hospital.

2241. When did he send it in?—Every week; and I fancy the monthly returns were from the up-stations, embodying them altogether.

2242. At what time of the week were those reports made?—On Saturday.

2243. Then, if a man died on Monday morning, the report would not be made till the following Saturday to the Colonial Secretary?—No, certainly not unless there was any thing particular.

2244. Have you read the case of this man in the Parliamentary papers?—Yes.

2245. Have you read the statement of the *post mortem* examination and the evidence of the various medical persons in those papers?—Yes.

2246. From what you have seen of the case, would you have considered it your duty, had Sudds died in the hospital under you, to have made an immediate report?—Yes, I should.

2247. You consider his a peculiar case?—Yes, I do.

2248. Have you read the statement of the *post mortem* examination by Mr. M'Intyre, and the various other statements by Dr. Bowman, and others in this evidence, as to the cause of the death of Sudds and to the appearance of the body after death?—Yes, I have.

2249. What would you say was the peculiarity in this case of Sudds, that would have induced you to make the special report of the case?—As the *post mortem* examination is given in these papers, I cannot see that there is any satisfactory account of the man's death at all; the idea that the man died from inanition is perfectly ridiculous; the *post mortem* examination appears to me to have been conducted lightly.

2250. By whom was it conducted?—By Mr. M'Intyre, and Mr. Mitchell says that he saw part of it.

2251. Have you read Mr. M'Intyre's report?—Yes, I have.

2252. In page 9 of that examination there is a statement of Mr. M'Intyre, in which he states, "That on opening the body of Sudds after death, he, Mr. M'Intyre, observed an inflammation or inflammatory appearance, extending from the chest upwards to the throat, where it was more extensive, and which he observed was termed 'bronchites,' and also that Sudds' legs were swollen;" occasion is taken there to impugn Mr. M'Intyre's evidence, as having differed: you know what bronchites is?—Yes.

2253. Have you ever heard of such a thing as bronchites with inflammation extending from the "chest upwards to the throat, where it was more extensive?"—Yes, no doubt of it; inflammation is common.

2254. Would

2254. Would such inflammation have been produced by external pressure?—It might have been.

2255. Or from other causes?—Yes, no doubt about it; it is not the only cause.

2256. If there was a tendency to inflammation of the throat before, would external pressure increase it?—No doubt of it.

2257. It is also stated that Sudds had been treated for dropsy, and that his legs and body were swollen at the period when those irons were put on him, and it is stated that no representation was made to the Governor that he was unwell at the time that those irons were put upon him, or afterwards, till his death was notified; would you have considered it your duty to report that that man was labouring under dropsy at the period when he was ordered up for punishment?—Yes, I should have stated the fact that the man was labouring under such a complaint, and that the punishment would cause an increase of this complaint.

2258. Then the man labouring under that disease at the time and dying so shortly afterwards, do you consider, as a medical man, that his death was hastened by that punishment?—Unquestionably.

2259. Dropsy is a disease of debility?—Yes.

2260. Is it your opinion, from having read the different reports in the Parliamentary papers, that Sudds was at the time of his punishment and his death labouring under the disease of dropsy?—That is the statement that is put forward in the papers; I know nothing of Sudds, and never saw him; but judging from this statement, he appeared to be labouring under dropsy.

2261. Are you not aware that it appears in the Parliamentary papers, that he was discharged apparently well on the 16th?—So they say.

2262. And that he did not report himself ill again till the 23d or 24th?—It is so, I believe.

2263. Then there is no proof that he was labouring under dropsy on the 22d?—Mr. M'Intyre says that he had been labouring under dropsy, but was better.

2264. But he was discharged apparently well on the 16th?—I collect from that that the man had a dropsical tendency more than an acute disease.

2265. Are you aware that on the 20th of September he was sent to gaol, and became ill fourteen days after, and that the irons were taken off; but that after his conviction and sentence on the 7th of November the irons were put on him again, under the express directions of the medical officer of the gaol?—Yes; as to Sudds' case I personally know nothing whatever but from the Parliamentary papers; if I am asked my opinion as to the disease, I give my opinion, but further than that I cannot go.

2266. Then you consider, that any opinion of yours delivered upon this case of Sudds and Thompson is likely to be an erroneous one, from the absence of all precise information, and particularly the absence of all personal knowledge of the case?—I give the best opinion I can form upon the case that is shown to me.

2267. Is there, on the face of this medical evidence, any thing to account for Sudds' dying so soon, unless the fact that he was of a dropsical habit, and that debility was increased by the irons that were put upon him?—There is a peculiarity attending some diseases in New South Wales that are not generally observed, and I think it very probable that the cause of Sudds' death was a certain translation or metastasis from the mucus surface to the serous membrane of the brain, under which he had been labouring, which would account for the death; in many instances the dysentery stops, and the brain then becomes affected.

2268. Is it not consistent with the description that we have, that this man had water in the chest?—I do not see any symptoms of it.

2269. When did you go to the colony?—In 1821.

2270. Governor Darling went out in 1825?—Yes.

2271. Mr. M'Leay was Colonial Secretary previous to General Darling's going there?—No, I think Major Goulburn was secretary; they were very close upon each other; Mr. M'Leay was appointed by the Colonial Secretary at home.

2272. Independently of General Darling?—Yes, he had been secretary to the Old Transport Company.

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2273. Do you think that any blame attaches to the medical officers, for not reporting the state of Sudds at the time of his punishment?—I think it was the duty of the medical officer, seeing him in the state he represented him to be, to report him.

2274. And you think he was deserving of censure, and ought to have been censured?—Of course, if he failed in his duty he deserved to be spoken to.

2275. You do not know that he was censured?—I fancy, from the Parliamentary papers, that subsequently he was reprimanded, and removed to another station.

2276. Mr. Mitchell says that the liver seemed to indicate that he had lived freely, but it was more functional derangement than organic disease; is it possible to ascertain the function from a *post mortem* examination?—It was the very point that struck me as singularly expressed; during life you will find the functions of an organ impaired, but after death that it was impaired without any mark of organic derangement, appeared to me to be extraordinary.

2277. Would that strike an unscientific person?—Perhaps not.

APPENDIX.

— No. 1. —

MINUTES and REPORTS of PROCEEDINGS in *New South Wales*, with reference to the CIVIL ESTABLISHMENT and HOSPITAL there; together with Extracts from Correspondence thereon with the Colonial Office. Appendix, No. 1.

MINUTE, No. 159.—Appointing the Board.

New South Wales, 21st November 1826.

IT being of importance that the salaries and income of certain officers and civil servants of the Government should be revised, in order to their being placed on a footing more correspondent with the respective situations, in reference to the changes which have taken place in the colony since these appointments were fixed, and to the salaries of the officers who have been more recently appointed; and it being desirable that a matter of this importance should be duly weighed, in which the interests of the public require to be equally attended to with that of the individuals employed, by providing in an efficient manner for the performance of the duties of the several departments; and for the just and reasonable remuneration of the officers and other persons attached to them: I have with this view nominated Minute, No. 159. Appointing the Board.

His Honour the Lieutenant-Governor,
The Honourable the Colonial Secretary,
The Auditor of Accounts,

to form a Board; and desire they may be requested to assemble as soon as may be convenient, to take into consideration, as above pointed out, the establishment, salaries, &c. of the following officers and departments, viz.—

1. Surveyor-General's Department.
2. Civil Hospital.
3. Civil Engineers and Assistant.
4. Surveyor of Roads and Bridges.
5. Mineral Surveyor, Mr. Busby.
6. Principal Superintendent of Convicts.
7. Master Attendant of Dock-yard, to be designated Harbour Master.
8. The Salaries proper to be granted to certain individuals, whose situations are pointed out in the annexed document, in lieu of a commission or per centage, as ordered by Sir Thomas Brisbane, which has been discontinued.
9. The Remuneration of certain individuals in lieu of *rations*; the issue of which is to be forthwith discontinued, and the claims of others to the allowance which they receive on this account being continued.

The Board will be pleased to understand, in determining the amount of pay or salary of the officers of the *Civil Hospital*, that they are not restricted from private practice; but are supposed, in many cases, to add considerably to their income by this means.

As the wing of the establishment at present occupied by the principal surgeon will be required for the accommodation of the patients and the invalid prisoners hitherto received into the Benevolent Asylum, an allowance must be made to that officer on account of house-rent. It will be necessary, however, to provide for the accommodation of one of the assistant surgeons in the Hospital.

The Colonial Secretary, &c. &c. &c. (A true Extract.) (signed) *G. L. Wilder.*

EXTRACT of a LETTER from Lieutenant-General *Darling* to *R. W. Hay*, Esquire, dated 7th February 1827, with reference to the expected Retirement of Dr. *Bowman* from the Civil Service of the Government.

My dear Sir, Government House, 7th February 1827. Extract, Letter on Retirement of Dr. Bowman.

IT being understood that it is the intention of Mr. Bowman, the principal surgeon, to retire from the service at no very distant period, I avail myself of this information to request that a competent person may be sought for in time as his successor. I should hope Lord Bathurst would permit Sir James M'Grigor, the Director-General, to select a medical officer of rank for this situation. The services of a competent person, accustomed to the conduct of an establishment of this nature, on an extensive scale, would be most important.

(A true Extract.) (signed) *G. L. Wilder.*

REPORT of the BOARD.

Appendix, No. 1.

Report of the Board.

Sir, Sydney, 6th March 1827.

YOUR Excellency having by your Minute, No. 159, dated 21st November last, appointed the undersigned to form a board for the purpose of considering and reporting upon the establishments, salaries and allowances of certain civil officers, and the subordinate persons employed in their respective departments, with a view of fixing a just and reasonable remuneration for their services, we have the honour now to report to your Excellency, on the several points referred to our consideration, proceeding with the different departments in the order in which they are mentioned in your Excellency's Minute, and premising, agreeably to your instructions, that henceforward no fees are to be received by any officer or servant of Government for his individual benefit; and that no houses, or rations, servants, or allowance, or commutation on that account are henceforward to be allowed or paid to any person whatever, excepting in cases where the same are specially mentioned and provided for.

(Extract 2.)—CIVIL HOSPITAL.

Civil Hospital.

HAVING called before us the principal Surgeon, and examined him with respect to his own duties and those of the several medical officers under his superintendence, we are of opinion that a change in the designation of the several officers is not less advisable in this department than in that of the Surveyor-general. We beg leave therefore to suggest, in consequence of the increased, and necessarily increasing numbers of medical officers required to take charge of the hospitals in the several towns, out-stations and penal settlements of the colony, that the officer having the general superintendence of the whole should be henceforward designated, "*The Inspector of Colonial Hospitals*;" and that in order to obtain the services of respectable medical men under him, there should be two classes of officers in charge of hospitals, namely, surgeons, and assistant surgeons; the first class to consist of six, and the number of the second class to be regulated according to the exigences of the service.

	£.	s.	d.
The principal Surgeon is at present allowed a salary of	365	–	–
Forage for one horse	45	12	6
A house, which he estimates at	140	–	–
And 204 bushels of coals, which may be valued at	15	–	–
Making a total yearly income of	565	12	6

exclusive of his half-pay of 6*s.* per diem as a surgeon in the royal navy.

We submit, however, that this income is inadequate, and unsuitable for a professional gentleman who holds so respectable a situation in the colony, and we therefore recommend that the pay of the inspector of hospitals should be 700*l.* a year, with a forage allowance of 5*s.* per diem for two horses, and a house, or if the state of the public service should render it necessary to deprive him of the house belonging to Government, which is now occupied by the principal surgeon, we recommend that his salary should not be less than 800*l.*; and we beg leave to observe, that we should not have considered even this a sufficient salary for a medical gentleman holding a situation of such rank in the colony, if he were not allowed to attend to private practice, which may to him be the source of a larger income.

We propose that the medical officers in charge of the hospital at Sydney, Paramatta, Liverpool, Windsor and Newcastle, be called Surgeons, with the pay of 15*s.* per diem, with apartments, or an allowance of 50*l.* per annum in lieu, and permission to attend private practice within ten miles of their respective residences; and that the surgeons at Paramatta, Liverpool and Windsor, being obliged to visit distant establishments, be allowed each 2*s.* 6*d.* per diem for forage for a horse, if one be actually kept.

(A true Extract.)

(signed) *G. L. Wilder.*

MEDICAL DEPARTMENT.

Medical Department.

	£.	s.	d.	
Inspector of Hospitals	800	–	–	Forage for 2 Horses.
Surgeons	300	–	–	
Allowance in lieu of quarters	70	–	–	
Assistant Surgeons	200	–	–	
Allowance in lieu of quarters, if not provided	50	–	–	
Apothecary	250	–	–	
Allowance in lieu of quarters, if not provided	50	–	–	
Superintendent of Lunatic Asylum	150	–	–	
Midwife at the factory	20	–	–	

(A true Extract.)

(signed) *G. L. Wilder.*

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(Copy, No. 48.)

Appendix, No. 1.

Lieutenant-General *Darling* to Earl *Bathurst*, transmitting Report of a Board to inquire into the Establishments of the Civil Departments of the Government.

Letter, Lieut.-Gen. Darling to Earl Bathurst; 8th April 1827.

My Lord, New South Wales, 8th April 1827.

THE officers of the Civil Hospital and other departments, whose salaries have remained as they were originally fixed several years since, conceiving they had a claim to be placed on a footing with those of more recent appointment, applied to me soon after my arrival to the above effect. Considering their application reasonable, I was desirous of availing myself of the opinion of such officers of the Government as from their information and experience appeared the most competent to judge of the matter; and I accordingly appointed the Lieutenant-Governor, the Colonial Secretary and the Auditor, instructing them to prepare a scale of salaries for the officers and other persons above alluded to, having reference to the duties and comparative situation of each with those of other departments.

I have before informed your Lordship, that it had been the practice here to augment the income of individuals, more particularly of the subordinate situations, by allowances of various kinds, such as rations for themselves and families, servants victualled from the public stores, the issue of slops, clothing, &c. I therefore laid it down as a principle, in the instructions given to the Board, that in the new arrangements, no *free* person should receive any allowance in addition to his salary, except that of forage for horses, when necessary to the performance of his duty, with a house or allowance for lodgings, and this in such cases only as had been directed by your Lordship.

No. 1. Minutes, No. 159. 1826.

No. 2. 6th March 1827.

I have now gone through the report with every possible care and attention; and I persuade myself your Lordship will be satisfied that the alterations proposed in the salaries are just and reasonable, and such as the individuals, from the nature of their situations, and the expense of living in this country, have a fair claim to. I must, for my own part, disclaim any desire to add unnecessarily to the expenses of the Government. I feel, at the same time, it is highly important to the welfare of the colony, that the income of the several officers should be such as to induce men of character and talent to accept appointments. This principle appears to have been acted upon in the cases of the appointments recently made at home, and the justice of extending it to those of older date, will not, I am satisfied, be disputed.

No. 3.

It will be observed that *fees* are to be retained by the individuals only in two cases, coroners and superintendent of Dawe's Battery, and that fixed salaries have been generally proposed in lieu. I have annexed to the report such observations as appear to me may be useful in judging of the several cases; and it will be seen that I have recommended a different rate of salary for the surgeons and other officers of the Hospital Department to that proposed by the Board.

I do myself the honour to enclose an abstract of the salaries, as proposed under the present arrangement, with notes in the margin, which afford the means of easy reference to the report; but I have not thought it necessary to burthen this communication, which is already so voluminous, with a comparative statement of the old and new salaries.

I beg I may receive your Lordship's commands on this subject as soon as the matter is determined, it being of some importance to the settlement of the public accounts; and I take the liberty to recommend that the new salaries may be issued from the commencement of the present year, as I have found it necessary to authorize the issue of money on account to several individuals.

I have the honour to be, &c.

(A true Copy.) (signed) *R. Darling.*
G. L. Wilder.

REMARKS of Lieutenant-General *Darling* on the Report of the Board appointed to fix the Salaries of the Civil Officers.

(Extract.)—INSPECTOR OF COLONIAL HOSPITALS.

Remarks of Lieut.-Gen. Darling on Report of Board, &c.

I FULLY concur in the proposed designation of *Inspector of Colonial Hospitals*, and of the establishment of a class of *Surgeons*, in addition to that of Assistant Surgeon; six officers of the former class will be required for the principal stations. The house which the principal surgeon occupies at present is in fact part of the hospital, and is required for the public service. I therefore recommend that under the new designation of Inspector, he be allowed a salary of 800*l.* a year as proposed, with an allowance of forage for two horses, which, considering the situation with reference to others, and the expense of living, is certainly not a higher rate of remuneration than an officer of that rank is entitled to.

(A true Extract.)

G. L. Wilder.

EXTRACTS from a DESPATCH addressed from Mr. Secretary *Huskisson* to Lieutenant-General *Darling*, dated 31 March 1828.—No. 19.

Extracts from Despatch of Mr. Huskisson to Lieut.-Gen. Darling, 31 March 1828.

I HAVE been compelled to delay longer than I could have wished replying to your Despatch of the 8th of April last; the arrangements which you therein propose to carry into effect, in relation to the several departments of your government, having required greater consideration than circumstances have enabled me hitherto to give to this subject.

Appendix, No. 1.

Upon an examination of the Report of the Board, to whom the duty was confided of preparing a scale of salaries more suited to the present circumstances of the colony than that which previously existed, I see no objection to the principle upon which their remuneration is proposed in future to be regulated; although there are a few cases in which I am of opinion that the salaries have been fixed at a higher rate than are compatible with the resources of the colony, or indeed than I conceive to be necessary, with reference to the duties performed by the persons whose emoluments are thus to be augmented.

With the modifications, however, which I shall presently point out to you, I have to authorize the adoption of the new scale, provided the means at your disposal will admit of your carrying the same into effect, without appropiating the funds to that purpose which the public interests require to be otherwise employed.

(A true Extract.)

G. L. Wilder.

MEDICAL DEPARTMENT.

Medical Department.

As the arrangements proposed by the Board in regard to this department are, upon the whole, more economical than those which you have recommended, I am induced to give the preference to their suggestions; but in this, as well as in the cases before mentioned, much must depend upon the means which you may find at your disposal for defraying the additional charge in question."

(A true Extract.)

G. L. Wilder.

— No. 2. —

PROCEEDINGS in the Court of KING'S BENCH in the prosecution for a LIBEL, *The King*, on the relation of Lieut.-Gen. *Ralph Darling*, against *Robert Robison.*

Appendix, No. 2.

COPIES OF AFFIDAVITS IN MITIGATION.

Affidavits in Mitigation in the Case of *Rex* v. *Robison.*

(In the King's Bench.)—*The King* against *Robert Robison.*

SAXE BANNISTER, barrister-at-law, now residing in Paris, Rue des Ecuries d'Artois, No. 9, maketh oath, and saith, that he was the King's Attorney General, in the Colony of New South Wales from the arrival of Lieutenant-General Ralph Darling in the said colony, in 1825, as governor thereof, until about the middle of October 1826; and this deponent saith that he became acquainted with the said defendant in 1830, and in 1831 the said defendant requested deponent to inspect the original Minutes of a Court Martial which had been held on the said defendant in 1828, at Sydney, in the said colony, when the said Governor Darling was commander-in-chief of the forces stationed there: And this deponent saith, that he examined the said minutes in the office of the Judge-Advocate General, and upon the face of the said minutes it appeared to this deponent that irregularities in substance had been committed on the trial of defendant, and injustice done to said defendant by the said court martial: And this deponent saith, that he stated to said defendant that such was his opinion, and that he thought that the judgment of the said court-martial would be annulled upon the due revision of the said minutes; and deponent recommended defendant to obtain the opinion of more experienced and more impartial lawyers than that of deponent, upon the legality of the proceedings of the said court-martial, and defendant accordingly sought such advice; and deponent has read the pamphlet which forms the subject of this prosecution, especially in that part which concerns two soldiers, Sudds and Thompson, one of whom deponent believes to have died with a spiked iron collar put round his neck in the gaol in Sydney, or in a short time after such collar was put on: And deponent saith, that he often officially examined the irons used in securing prisoners in various gaols in the said colony; and he has also read in Parliamentary Papers, and in the said pamphlet, accounts of the said spiked iron collar; and deponent believes that spiked iron collars were not the usual irons of the said colony, and that they are unlawful; and deponent hath read in a recent Parliamentary document an account of such spiked iron collars being discovered by the Commissioners of Inquiry in use in the Colony of Mauritius, about the year 1827, and before that year; and deponent believes that the said Governor Darling held some office in the said colony of Mauritius, before coming to New South Wales, and that the said collars were introduced into New South Wales by or under the sanction of the said Governor Darling: And this deponent saith, that as Attorney-General of the said colony of New South Wales, he repeatedly warned the said Governor Darling not to do a number of acts which deponent believed and still believes illegal and oppressive, but the said Governor disregarded deponent's advice in divers important cases, and by so doing brought men's lives and property into peril without probable cause: And deponent saith, that in 1826 and in subsequent years, he stated the conduct of the said Governor Darling, in regard to such cases, to His Majesty's successive Ministers for the Colonies; and upon the said Governor Darling's recall and arrival in England in 1832, deponent laid specific charges against him, before the Secretary of State for the Colonies, for having acted illegally and oppressively in the execution of his office of Governor of New South Wales; and deponent informed the said defendent of the fact of his having preferred such charges against the said Governor Darling. And this deponent saith, that ever since becoming acquainted with the said defendant in the year 1829, he has continued to have intimate intercourse with him personally and by correspondence; and this

this deponent hath uniformly found him to be a man of honourable and upright character; and although the said defendent has, as this deponent is informed, and verily believes, been entirely ruined in consequence of the proceedings taken against him by the said Governor Darling, and so ruined after 25 years' honourable service in the army; and although he has, in consequence, been greatly irritated and excited, nevertheless this deponent believes that the said defendant in publishing the said pamphlet, for which this prosecution has been brought, was influenced by a desire to show that his personal complaints against the prosecutor, the said Governor Darling, were entitled to further inquiry, as his sufferings formed part of a system of which many complained: And this deponent verily believes, that the said defendent was not influenced to publish the said pamphlet by any personal hostility against the said Governor Darling, except so far as it was inseparable from the said defendant's object of obtaining redress for the wrongs of which he considered the said Governor Darling had been the author.

Saxe Bannister.

Sworn before me at Paris, this 26th day of January 1835,
His Britannic Majesty's Consul at Paris.

Thomas Pickford.

(In the King's Bench.)—*The King* against *Robert Robison.*

JAMES HERTSLET, esquire, sub-librarian in the office of His Majesty's Principal Secretary of State for Foreign Affairs, maketh oath and saith, That he is well acquainted with the hand-writing of Thomas Pickford, described as the commissioner before whom the affidavit hereunto annexed was sworn, which is, to the best of this deponent's knowledge and belief, the proper hand-writing of the said Thomas Pickford, described as his Britannic Majesty's Consul at Paris.

James Hertslet.

Sworn in Court, this 27th day of April 1835.
By the Court.

(In the King's Bench.)—*The King* against *Robison.*

ROBERT ROBISON of East-street in the county of Middlesex, esquire, the above-named defendant, maketh oath, and saith, That before he published the libel of which he has been convicted in this prosecution, he received the affidavit of John Head hereto annexed, and marked (A.) sworn on the 29th day of July 1829, and he perused the said affidavit, and being well acquainted with the hand-writing of John Thomas Campbell, and knowing that he was then a magistrate in New South Wales, and competent to administer an oath, he believed the said affidavit to have been true, because the words J. T. Campbell, J. P., attached or subscribed to the jurat of the said affidavit, are in the hand-writing of the said John Thomas Campbell; and deponent further saith, that before he published the said libel he had frequent conversations with John Robison and John Staples, by whom affidavits have been made in this prosecution, and in such conversations the said John Robison and John Staples confirmed this deponent's belief as to the weight and form of the chains alleged in the said libel to have been imposed on one Joseph Sudds.

Sworn in Court, this 22d day of January 1835. *R. Robison.*
By the Court.

(A.)

JOHN HEAD, free, maketh oath and saith, That at the time that Patrick Thompson was at No. 1. Iron-gang, Emu Plains, this deponent was a prisoner of the Crown, and employed there as hut-keeper under the orders of George Plumley, overseer of the gang: That said Plumley received a letter which he desired this deponent to read to him, he Plumley not being able to read: That this deponent read the letter, purporting to be subscribed by Alexander M'Leay, by command of the Governor, and that it directed the said Plumley to take the chains and collar off the said Patrick Thompson, and to convey the same privately to Government-house: That the said Plumley accordingly did take off the said chains from the said Patrick Thompson and put them in a bag, and this deponent took them on his back about half a mile to the said Government-house, and delivered them to Mr. James Kinghorne. And this deponent further maketh oath and saith, That having carried the said chains, consisting of an iron collar with two spikes attached thereto, pendant chains about the weight of light horse trace chains attached thereto, basils for the ancles, and a chain from basil to basil also attached thereto, altogether in one set, is of opinion that they could not have weighed less than 30 pounds and not more than 40, perhaps about 35 pounds. And this deponent further maketh oath and saith, that when he was a youth in Clerkenwell prison about 10 years ago, he was ironed in irons which weighed 28 pounds, by which he lost the use for two days of both his legs; and that, judging from this circumstance and the other above related, namely the carrying the said chains half a mile, not to mention this deponent having from curiosity put the said chains on his own body, he, this deponent, arrived at the opinion that the said chains could not have weighed much less than 35 pounds.

Sworn before me, this 29th day of July 1829, *John Head.*
at Sydney, New South Wales.
J. T. Campbell, J. P.

Appendix, No. 2.

Affidavits in Mitigation.

(In the King's Bench.)—*The King* against *Robison.*

THIS is the affidavit marked (A.) and referred to in the affidavit of Robert Robison, the defendant, sworn in this prosecution, on the 22d day of January 1835, in the Court of King's Bench.

F. L.

(In the King's Bench.)—*The King* against *Robert Robison.*

HENRY LYTTON BULWER, of Hill-street, in the county of Middlesex, esquire, maketh oath and saith, That he is acquainted with the above-named defendant, and carefully examined into the circumstances connected with the proceedings against him in the colony of New South Wales, under the administration of Lieutenant-General Darling; and deponent saith that the result of such examination was, that this deponent was convinced and verily believes that the said defendant was very harshly used by the said Lieutenant-General Darling, and in consequence of this conviction, deponent voted in favour of the motion of Dr. Lushington for the production to the House of Commons of the Minutes of the Court Martial by which the said defendant was tried; and deponent saith, that he verily believes that the said defendant resorted to all legitimate means open to him of obtaining a re-hearing of his case, but unsuccessfully; and deponent saith, that he believes the said defendant was induced by his disappointment in obtaining redress by such means to publish the libel of which he has been convicted, to prove that the administration of the said Lieutenant-General Darling in the government of the said colony was such as to demand public investigation, not only as respected the said defendant, but as respected others who were fellow sufferers with the said defendant, and had sustained injury in common with himself under such administration.

Henry Lytton Bulwer.

Sworn at the house, No. 38, Hill-street, in the parish of Saint George, Hanover-square, in the county of Middlesex, 22d day of January 1835, before me,

S. Barreck, a Commissioner, &c.

(In the King's Bench.)—*The King* against *Robison.*

JOSEPH HUME, of Bryanstone-square, in the county of Middlesex, esquire, maketh oath, and saith, That he is acquainted with the above-named defendant, and that in consequence of certain Parliamentary proceedings connected with the case of the said defendant, this deponent inquired personally and minutely into the circumstances of the defendant's case, and generally of the official administration of Lieutenant-General Ralph Darling in New South Wales; and deponent saith, that the result of such inquiry has been to convince this deponent that the affairs of the said colony, while under the Government of the said Lieutenant-General Darling, demand a public investigation; and deponent further saith, that he believes the said defendant to have been unjustly and oppressively treated, and to have been illegally tried by the court-martial, of which the Minutes were moved for by Dr. Lushington in the House of Commons on the 11th of July 1830, and which the said deponent supported; and deponent saith, that the said defendant, before the publishing the libel of which he has been convicted, exerted himself, to the knowledge of this deponent, and by his advice in every legal way that was open to him, to obtain redress for the injuries which in deponent's opinion he had unquestionably suffered; and that finding it impracticable to obtain even a re-consideration of his case with a view to such redress, he published the said libel, with the knowledge of this deponent, for the purpose of showing that many other individuals besides himself had just reason to demand, and had demanded, particularly William Wentworth, esquire, an investigation into the administration of the said Lieutenant-General Darling: And deponent further saith, that the said Lieutenant-General Darling was recalled from the government of New South Wales in consequence, as this deponent has been informed and verily believes, of the many and just complaints made of his administration by the inhabitants of the said colony; and deponent further saith, that the said Lieutenant-General Darling, and his brother, Major-General Henry Charles Darling, did each publish a printed statement, copies of which were left by or by the direction of the said Lieutenant-General Darling, as this deponent believes, with this deponent, and copies of which are also hereunto annexed, and are respectively marked (A.) and (B.); and this deponent saith, that finding that the said Lieutenant-General Darling, and his brother, Major-General Darling, denied in the said printed statements the truth of the statements which this deponent had made in the House of Commons respecting the conduct of the said Lieutenant-General Darling as governor of the said colony, this deponent requested the said defendant to read the said printed statements, and to obtain for this deponent full information to substantiate the charges which this deponent had made in his place in Parliament against the said Lieutenant-General Darling, and more especially such of the said charges as had reference to the case of the said defendant: And deponent further saith, that the said printed statements hereto annexed contain, in the judgment of this deponent, gross and scandalous libels on the Parliamentary and public conduct of this deponent: And deponent further saith, that he was advised to prosecute the said Lieutenant-General Darling and his said brother for the publication of such libels, but this deponent refused to

do

do so, because he considered that he should best serve the cause of justice and truth by substantiating the charges which this deponent had made against the said Lieutenant-General Darling, and by calling on all persons, upon whose authority he had made the same, to furnish him with the grounds on which they believed the same to be true: And deponent saith, that it was in consequence of being so called upon amongst other persons, and with a view to acquit this deponent of the gross charges which the said Lieutenant-General Darling had falsely made against this deponent, that the said defendant, as this deponent believes, collected the various facts published by the said defendant in the libel of which he has been found guilty: And deponent further saith, that as another means of enabling him, this deponent, to substantiate the charges which he had publicly preferred, deponent transmitted a copy of the pamphlet of the said Lieutenant-General Darling to Edward Smith Hall, esq., of New South Wales, that the said Edward Smith Hall might furnish this deponent with information, not only in support of the said charges, but in vindication of this deponent from the libels of the said Lieutenant-General Darling; the said Edward Smith Hall being one of the principal parties named in the said printed statement of the said Lieutenant-General Darling: And deponent saith, that in consequence, as this deponent believes, of this deponent's said application to him, the said Edward Smith Hall published a series of letters in the "Sydney Monitor," being the same that are republished, in the libel of which the said defendant is found guilty, in which the said Edward Smith Hall examines and comments upon, paragraph by paragraph, the speech and statements made by this deponent in reference to the conduct of the said Lieutenant-General Darling, and in like manner upon the reply of the said Lieutenant-General Darling thereto: And deponent saith, that after the publication of such comments in the Sydney Monitor, the said Edward Smith Hall sent copies thereof to this deponent, and also, as this deponent believes, to the said defendant: And deponent saith, that finding himself unable by the pressure of other public business to bring forward the subject in Parliament again, till a considerable time must have elapsed, and viewing the matter as an important public controversy, involving not only the interest of the said defendant, but of a great many individuals in New South Wales, and also involving indirectly but deeply the interest of all His Majesty's subjects in the colonies; this deponent advised the said defendant to republish the letters of the said Edward Smith Hall, under the full conviction, which this deponent still entertains, that they would materially tend to elucidate the truth of the numerous complaints which had been preferred against the said Lieutenant-General Darling: And this deponent saith, that he gave such advice with the more confidence, because the said Lieutenant-General Darling would have been enabled by the republication of the aforesaid comments of the said Edward Smith Hall upon the printed statement of the said Lieutenant-General Darling, and on the speech of this deponent, to have taken the course of submitting the truth of the several charges against him to a jury of his country: And this deponent further saith, that he believes the said defendant to have published the libel whereof he has been convicted, under the impression, which this deponent confirmed, that the several charges therein made against the said Lieutenant-General Darling were true: And deponent saith, that he verily believes that the said defendant has been used with great harshness and oppression by the said Lieutenant-General Darling, and that he was, as aforesaid, illegally tried and convicted by the said court-martial, and that the said defendant is well entitled to a re-hearing of his case, and to ample compensation for the wrongs which he has sustained from proceedings, as this deponent believes, vindictively instituted against him by the said Lieutenant-General Darling.

Sworn in Court, the
26th day January 1835.
By the Court.

Joseph Hume.

(In the King's Bench.)—*The King* against *Robison.*

STEPHEN LUSHINGTON, of Great George-street, Westminster, Doctor of Civil Law and Judge of the Consistory Court of London, maketh oath, and saith, That on the 11th day of July 1833, in pursuance of notice previously given by this deponent, he moved in the House of Commons, that an humble Address should be presented to His Majesty, praying that he would be graciously pleased to direct that there be laid before the said House a copy of the Minutes of the Court Martial on the above-named defendant: And deponent saith, that previously to such motion he inspected the said minutes at the office of the Judge-Advocate General, and the said minutes appeared to deponent to be in such a state as to render it extremely difficult, by a perusal of the said minutes, in the form in which deponent saw them, to form an accurate judgment upon each part of the case: And deponent saith, that after a close investigation of the case of the said defendant, deponent is of opinion, and verily believes, that he was subjected to great severity and injustice in consequence of the proceedings had against him in New South Wales; and deponent also believes, that the said defendant resorted to every legitimate means to obtain redress for such wrong before he published the libel of which he has been convicted.

Sworn at my Chambers, Serjeants'-inn,
Chancery-lane, the 17th day of
January 1835,
Before me, *J. Patteson.*

Stephen Lushington.

Appendix, No. 2.

Affidavits in Mitigation.

(In the King's Bench.)—*The King* against *Robert Robison*, Esquire.

JOHN STAPLES, of Woolwich, in the county of Kent, Barrack Serjeant there, but about proceeding to Dominica, maketh oath, and saith, That he, this deponent, was, on or about the 22d day of November 1826, on the Parade at Sydney, in New South Wales, where two privates, named Joseph Sudds and Patrick Thompson, belonging to the 57th Regiment, were brought up in irons from their place of confinement, to receive sentence for some misconduct; that Joseph Sudds appeared to this deponent to be in a great state of debility, and was supported by the said Patrick Thompson, and leaning his weight upon him; that at the time they were so brought up as aforesaid, Colonel Stewart, the Lieutenant-General of the colony, was the commanding officer of the 3d Regiment of foot and of that parade: And this deponent further saith, that the sentence upon the said Patrick Thompson and Joseph Sudds was read by the Brigade-major, ordering that they should be transported to a penal settlement for seven years; that immediately or soon after the said sentence was read, an order of General Darling's was read, commuting their sentence to works in irons on the roads for seven years, and that then they should return to their regiment: And this deponent further saith, that when the last-mentioned sentence was read, they, the said Patrick Thompson and Joseph Sudds, were ordered by said Colonel Stewart to take off their regimental uniform, and put on a yellow dress purposely provided for the said Patrick Thompson and Joseph Sudds: And this deponent further saith, that after the sentence was so passed as aforesaid, the said Patrick Thompson offered to address the parade, when he was ordered by the said Colonel Stewart to be silent, or he would have been tried by a drum-head court-martial and flogged; that upon the said yellow dress being put on as aforesaid, two blacksmiths were ordered by said Colonel Stewart to rivet the irons on, and during that operation they were bound down, and their heads placed upon a small block; that the said irons consisted of an iron collar about an inch and a half deep, which was rivetted on the neck of each of the said Patrick Thompson and Joseph Sudds; that from the said collar two spikes projected, about twelve inches long, one from the front and the other from the rear, which were adopted to prevent the said Patrick Thompson and Joseph Sudds from lying down; that to the said collar two chains were attached, which extended to the rings of the leg-irons placed round the ancles of the said Patrick Thompson and Joseph Sudds; that the links of the said chains were each of them more than an inch long, and proportionably thick; that the bands were rivetted round the ancles of the said Patrick Thompson and Joseph Sudds, and were connected by two heavy irons, each extending from the ancle to the fork of their bodies, and connected at the angle with a link; the weight of the whole iron, this deponent verily believes, must have exceeded thirty pounds; that the men who were directed to dress the said Patrick Thompson and Joseph Sudds, and fitting the said irons on them, were engaged therein about half-an-hour: And this deponent further saith, that upon the said Patrick Thompson and Joseph Sudds being dressed, and their irons being fitted on as aforesaid, they were drummed out of the garrison, and escorted to gaol; that the said Patrick Thompson was a strong healthy man, and assisted the said Joseph Sudds to walk, who was also supported by another man on the other side, he, the said Joseph Sudds, being, from the great weight of the irons and the fatigue he had undergone from the operation in putting them on, unable to move without the assistance of said Patrick Thompson and the said other man: And this deponent further saith, that the said Joseph Sudds died the fifth day after his being so confined in gaol, his illness and death having been caused, as this deponent has been informed and verily believes, from the pain and suffering he endured from the cruel and barbarous punishment inflicted upon him, the said Joseph Sudds: And this deponent further saith, that to the best of his knowledge, remembrance, information and belief, no inquest was held upon the body of the said Joseph Sudds, and no inquiry whatever instituted as to the cause of his death, and that in consequence a general complaint among all classes of persons dwelling in the town of Sydney aforesaid was made; that he, this deponent, has been in the Brazils, and in other slave countries, and never saw similar chains and irons imposed upon soldiers, slaves or others, or so great an act of cruelty perpetrated upon any human creature.

Sworn at Plumstead, in the county of Kent, this 15th day of September 1834,
Before me, *Geo. P. Dyer*, a Commissioner, &c.

John Staples,
Barrack Serjeant at Woolwich Barracks.

(In the King's Bench.)—*The King* against *Robison*.

JOHN ROBISON, of John-street, in the parish of Lambeth, shoemaker, maketh oath, and saith, That he volunteered to join the veteran companies that embarked for the colony of New South Wales, in the year 1826, deponent being at that time an out-pensioner of Chelsea Hospital; and deponent saith, that he was on duty in the said colony in the year 1826, when Joseph Sudds of the 57th Regiment was punished in the manner stated in the libel of which the above-named defendant has been convicted; and deponent saith, that the irons put upon the said Joseph Sudds were made, as this deponent is informed and believes, by one Edward Mundy, the superintendent of the works in the lumber-yard belonging to the Government, which Edward Mundy is, as this deponent believes, now in the colony of Van Diemen's Land;

Land; and deponent saith, that he has been informed by the said Edward Mundy that he had weighed the said irons before they were put on the said Joseph Sudds, and that they weighed 48 pounds, and had been made expressly for the said Sudds by order of Lieutenant-General Darling, who was then the Governor of the said colony of New South Wales: And deponent saith, that he is not in any way related to or connected with the said defendant, except having been a private in the said veteran companies, nor was he ever acquainted with him before the formation of the said companies.

Sworn in Court this 17th day of January 1835.

Affidavit having been read over in my presence to the deponent, who seemed perfectly to understand the same, and made his mark in my presence.

L. Roberts, Usher.

By the Court. The ✕ mark of *John Robison.*

(In the King's Bench.)—*The King* against *Robert Robison.*

Robert Robison, of East-street, in the county of Middlesex, Esquire, the above-named defendant, maketh oath and saith, That he was educated in the Royal Military College, and at the express recommendation of the College to the late Duke of York received his first commission in the 14th Regiment, in the year 1807, being then in his 16th year; that deponent accompanied his regiment to Portugal and Spain in the year 1809, and served under the Duke of Wellington in all the campaigns from the battle of Talavera to the end of the year 1813; that in the month of May 1814, this deponent accompanied the troops as Adjutant to Madras and Bengal, and was present with his regiment in the severe campaigns that terminated in the conquest of the Nepaul Kingdom; that deponent was reduced to half-pay by the reduction of his regiment in the year 1820, and the following year was appointed to the 4th Light Dragoons, and accompanied that regiment to Bombay; that after serving as a subaltern for upwards of sixteen years, deponent was promoted by purchase in the year 1823, and in the year 1825 was appointed to the command of a corps of out-pensioners of Chelsea Hospital, selected and organized for the assistance of the police in the colony of New South Wales: And deponent saith, that during all the service hereinbefore mentioned he conducted himself to the entire satisfaction of his superior officers: And this deponent saith, that the said corps of out-pensioners consisted of volunteers, principally non-commissioned officers, who were induced to offer their services by a proclamation dated from the Royal Hospital at Chelsea, the 12th September 1825, promising to them the full pay of cavalry, together with free rations for themselves and families, with other advantages: And deponent saith, that when he received this appointment he obtained strong letters of recommendation to Lieutenant-General Darling, at that time governor and commander of the forces of the said colony, and among others from Lieutenant-General Sir Herbert Taylor, which was in the following words, so far as the same relates to this deponent:—"I beg to introduce to you the bearer of this letter, Captain Robison, of the New South Wales companies, and to recommend him to you as an intelligent officer who has proved himself very zealous and attentive in the formation of these companies. I trust you will find them composed of steady and useful old soldiers, and that they will answer the purpose in view. Lord Bathurst complains of the expensive character of this corps, and perhaps with reason; but the inducement of superior pay was necessary towards obtaining the services of a better description of men." And this deponent saith, that part of another of the said letters of recommendation was in the following terms, from Mr. Hay one of the Under Secretaries of State: "Captain Robison, I believe, is already personally known to you, but in consequence of the strong testimonials which I have received in his favour from Mr. Charles Grant, I cannot deny myself the pleasure of giving Captain Robison this especial introduction to your favour and protection." And this deponent saith, that another of the said letters of introduction was from the Right Honourable Henry Goulburn, inclosing a letter, or the copy of a letter, relating to this deponent, from Governor Macquarie, which letter and enclosure are in the following terms:—"(Private.)—Dublin Castle, September 15th, 1825.—My dear General, I beg to introduce to you Captain Robison, a near connexion of Lord Castlestuart, who is proceeding again to New South Wales. My best apology for troubling you is the reply which I received some time since from Governor Macquarie, in reply to a similar introduction, which speaks of Captain Robison in terms which enable me to recommend him to you with greater confidence. Ever, my dear General, most truly yours, (signed) *Henry Goulburn.*—M.-General Darling, &c. &c." Enclosure to Mr. Goulburn:—"Government House, Sydney, March 15th, 1819.—Dear Sir, I had the pleasure, on the 26th November last, of receiving your note dated 30th of July 1818, per Lieutenant Robison, recommending that gentleman to my attentions here, and I beg now to return you my best thanks for giving me so very pleasant and agreeable an acquaintance, which he has proved himself to be in every society here. Lieutenant Robison is a very accomplished well-informed young man, of highly polished conciliating manners, and has consequently rendered himself a universal favourite here. Mr. Macquarie and myself have endeavoured to pay him every little attention in our power, and whenever it takes place we shall very sincerely regret his departure. From various conversations I have had with Mr. Robison, he appears to be quite in raptures with this country and its delightful climate, and seems anxious to spend a part of his life in it, if he could succeed to any respectable official situation in it; and from what I have seen of this young man, I think he would do credit to any office he might be appointed to. I have the honour to be, with respectful esteem and regard, &c. (signed) *L. Macquarie.*

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Macquarie.—Henry Goulburn, Esq., M. P. Downing-street." And this deponent also received a similar letter from the late Adjutant-General Sir Henry Torrens, which deponent delivered in person to the said Lieutenant-General Darling, who was asked to produce the same at the trial of deponent by a court-martial, as hereafter mentioned; but the same was not produced, and therefore deponent is unable to set forth the exact words thereof: And this deponent saith, that he arrived at New South Wales in or about the month of September 1826, and shortly after his arrival, he was removed by order of the said Lieutenant-General Darling from the command of the said corps, without any cause being assigned to this deponent for such removal, and that the greater part of deponent's own company was given to the care and charge of junior subaltern officers of the line, for which those officers received extra colonial pay and allowances, while this deponent was chiefly employed in commands at out-stations; that while deponent was so employed, sundry acts of great impropriety on the part of certain public officers having fallen under his observation, and more especially that several private soldiers were employed by parties closely connected with the local government in private works, and that military and other stores were sold by individuals of colonial and military rank for their personal emolument, and that the carriage of private stores was illegally effected at the public expense and to the prejudice of the public service, he thought it his duty, as the commandant of the station, to report them to the said Lieutenant-General Darling: And deponent saith, that it also happened that many complaints were made to him by several of the said pensioners, and particularly that they were constantly employed in severe military duty alone, which they represented to be in contravention of the proclamation by which they had been induced to volunteer their services; and deponent also felt himself bound by his duty to forward such complaints to the said Lieutenant-General Darling; but this deponent saith, that his representations of these matters to the said Lieutenant-General Darling were treated with neglect; but as this deponent verily believes led to his recall from the appointment which gave him the opportunity of witnessing them; and in consequence thereof this deponent thought it a matter of duty to do every thing in his power that might lead to a correction of such abuses, and therefore wrote to his friends in England, stating the above-mentioned circumstances; and also stating that the said Lieutenant-General Darling had struck off from their military duties certain officers, and appointed them to civil situations in the colony, which officers were nevertheless returned upon the full-pay muster list of the veterans, and received their full pay in addition to their civil salaries, in violation of the articles of war and King's regulations; and deponent left it to the discretion of his said friends to communicate these facts to the authorities at home or not as they should see fit: And deponent saith, that in the exercise of such discretion his friends in England reported the same to the Commander-in-chief: And deponent saith, that in or about the month of May or June 1827 he stopped in the course of a journey at the Government station at Emu Plains in the said colony, where the irons imposed on a soldier of the name of Sudds, mentioned in the pamphlet which is the subject of this prosecution, were deposited; and deponent expressed a wish to examine the said irons, and when they were produced to him, deponent tried them on in the presence of one Lieutenant Christie and other persons, when deponent expressed great indignation at the severity and novel character of such a punishment, and at the torture which they must have inflicted on the said Sudds: And deponent saith, that he used very strong language on that occasion in censure of the said Lieutenant-General Darling for having ordered such irons to be imposed; and he has great reason to believe, and does believe, that his language and criminatory remarks were reported to the said Lieutenant-General Darling, and induced the said Lieutenant-General Darling to take those proceedings against this deponent that are hereinafter set forth; that the said Lieutenant-General Darling placed this deponent under arrest on or about the 19th of March 1828, on a charge of leaving his station without leave, which this deponent was led to do by receiving a letter purporting to be, and which he believed to be, an official letter, but which was not duly signed: And deponent saith, that shortly after his arrest, namely, on the 23d and 31st of March, and the 21st of April in the same year, the said Lieutenant-General Darling, by his military secretary, wrote to this deponent, requiring him to state whether he had sent to England any statements or complaints either of his own or of the pensioners; and if so, to forward to the said Lieutenant-General Darling copies thereof; and about the same time a military court of inquiry into the case of this deponent was ordered; and deponent was obliged to answer such letters, although he well knew that his answers would be available evidence against him on such inquiry, and believed that they were required only to be so used: And deponent saith, that about the time last mentioned he was ordered officially to appear before a bench of magistrates on a felonious charge against him of directing his serjeant to open the letter-bag, which deponent had done in the execution of his duty; and because there was no postmaster resident at the settlement of Newcastle at the time, the said letter-bag containing the first official appointment of a person to that situation: And deponent saith, that upon an explanation of these circumstances one of the sitting magistrates, Mr. Macleod, declared from the bench, that it was a most frivolous, scandalous and vexatious accusation; but deponent saith, that notwithstanding this declaration, the same charge was afterwards preferred by the said Lieutenant-General Darling at the court-martial next hereinafter mentioned, when this deponent was again acquitted of having done any thing in this proceeding derogatory to the character of an officer and a gentleman: And deponent saith, that in the month of July following, being still kept in arrest, he was brought to trial before a general court-martial upon eight charges, arising out of the before-mentioned circumstances; three of which charges were

founded

founded on the neglect of this deponent to transmit to the said Lieutenant-General Darling copies of his said communications to England, as ordered by the said letters of the 23d and 31st of March, and 21st of April; yet this deponent saith, that the said Lieutenant-General Darling well knew, as this deponent verily believes, that this deponent did not transmit such copies as were required by the first-mentioned letters, because this deponent was not obliged and ought not to have been called upon to furnish evidence against himself on the impending inquiry, and had no such copies remaining in his possession as were required by the said last-mentioned letter: And this deponent saith, that immediately before the said court of inquiry a letter was addressed by the military secretary of the said Lieutenant-General Darling to one Lieutenant Sweeny, of deponent's company, which letter on the 3d of April was received by the said Lieutenant Sweeny from the said military secretary, and was written in the following terms: "(Strictly private and confidential.)—My dear Sweeny, I cannot allow this inquiry to proceed without discharging a part which I regret much has fallen to my lot; however, I am anxious for your sake, who I know are not to blame, situate as you are and have been, to warn you of the precipice on which you are standing. Circumstances have come to my knowledge that I have refrained from mentioning to the Lieutenant-General, but which would immediately implicate you with Captain Robison, if made known to him; that officer may be right, and he may be wrong, but I shall not give an opinion on the point; all I shall call your attention to, is the consequences that will attend any rashness on your part. Your name, from passages in a letter the governor has received, has escaped him thereon four times, and I have parried his conclusions. Now, Sweeny, I will not add any more. An honourable line of conduct is before you, and I trust you will follow its course. With best wishes you may, I am faithfully yours, (signed) *C. Sturt.*" And deponent saith, that this letter was inclosed in an envelope, with an official letter to the said Lieutenant Sweeny, announcing the said inquiry: And deponent saith, that when the said letters for the said Lieutenant Sweeny arrived he was in this deponent's apartment, and that deponent received an official letter at the same time, which he handed over to the said Lieutenant Sweeny after reading it, whereupon the said Lieutenant Sweeny directed deponent's attention to his own letter, having first read it himself, and observing that he supposed it was to the same effect, authorized deponent to read it: And deponent saith, that he read it, and the private inclosure having dropped out, and being neither sealed nor directed, deponent read that also: And deponent saith, that on the 24th of the said month of April he addressed a letter to the said Lieutenant-General Darling, in which he complained of the said private letter of his military secretary "as being of so scandalous and injurious a tendency as in the opinion of this deponent to sap the foundation of all justice;" and for writing such last-mentioned letter, and for reading such private letter, of which it complained, and for other matters connected therewith, this deponent was tried upon another charge by the said court-martial and was found guilty thereof, although on his examination it was admitted by the said Lieutenant Sweeny that deponent had his authority to read the said private letter: And this deponent saith, that having in the absence of the postmaster caused the letter-bag to be opened while this deponent was in command of a detachment at an out-station, and having taken therefrom his own official letters, which opening of the letter-bag in the absence of the postmaster was an act of common occurrence, as this deponent had reason to believe and does still believe, he forwarded the other letters unopened to the post-office, only detaining his own; but for this act defendant was tried by the said court-martial upon a charge of having broken open sundry letters addressed to Mr. Mackey, the superintendent of public works, and made the same public, and carried away the said mail bag from the mail packet of deponent's quarters; which charge, had it been true, would have amounted to felony; but this deponent was acquitted in respect of this charge of any conduct derogatory to the character of an officer and a gentleman: And deponent saith, that another charge on which he was tried involved an accusation of falsehood in certain statements that he was alleged to have made, of which charge this deponent was acquitted: And this deponent saith, that all the other charges on which he was tried had reference to the alleged clandestine transmission to England of the said complaints of the pensioners, and to his having, as alleged, encouraged a spirit of discontent among the men of the detachment under his command at Newcastle, by stating to them on several occasions that he could not obtain answers to the letters which deponent had written to the said Lieutenant-General Darling respecting them, and having induced them to represent themselves as unfit for military duty; and to the complaints made by this deponent himself, that he had been unable to obtain the said Governor's attention to the same, and none of the said charges involved any imputation on his honour or private character, except as to the matters hereinbefore set forth: And deponent saith, that having been found guilty by the said court-martial on several of the said charges (though he, this deponent, is persuaded that a different verdict would have been given in all of them but for the circumstances hereinafter mentioned, and which deprived this deponent of a fair and impartial trial), he was sentenced to be dismissed the service: And this deponent saith, that after his conviction he was detained in the colony under arrest for more than eighteen months, and during the greater part of this time his allowances were stopped: And deponent saith, that although the whole of the case against him turned almost wholly on personal questions between him and the said Lieutenant-General Darling, and on complaints preferred by this deponent against the conduct of the said Lieutenant-General Darling, in respect of men under his, deponent's, command, and to whom this deponent considered himself to be in an especial manner responsible for the due

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performance of those promises which had been made to them through this deponent as inducements to volunteer, yet the said Lieutenant-General Darling was in fact the prosecutor of this deponent on the said trial, and as this deponent has been informed by a person officially connected with the said court-martial, and verily believes, himself prepared the charges on which he was tried; and as this deponent has also been informed and verily believes, prepared in whole or in great part the address which was made by the Deputy Judge-Advocate on opening the proceedings of the said court-martial, and which address in reference to the before-mentioned charge of having carried away the mail bag and broken up sundry letters (of which charge deponent was acquitted as aforesaid), alludes to deponent in the following language: "The unruly and turbulent disposition of the prisoner is particularly characterized in the proceedings which form the sixth charge; it will be seen that in defiance of all decorum, of those ties which preserve society, the prisoner, in the absence of Mr. Mackey, the superintendent of works, from Newcastle, possessed himself of letters addressed to that person, took them from Mr. Mackey's residence, opened them and left them for the inspection and perusal of the public;" and in another part of the said address, in reference to the same charge, it proceeds, "The prisoner's disregard of the regulations established for the public service will be as obvious as his contempt of the rules by which society is governed:" And this deponent saith, That he has also been informed by an officer connected with the said court-martial, and verily believes such information to be true, that the said Lieutenant-General Darling prepared the reply to this deponent's defence before the said court, in which reply the following language is used in reference to this deponent: "With regard to the eighth charge, Captain Sturt's letter is now, gentlemen, before you; I leave it to you to pronounce upon its character, and to say whether it has not required the most practised ingenuity to distort the kindly feelings it conveys into the villanous intentions which have been imputed to it:" And deponent saith, That he has extracted these passages from copies of the said address and reply, signed by the said Deputy Judge-Advocate, and now in deponent's possession, and that he considered that the language thereof imputed to him a felonious intention of stealing the property of other persons and a wilful disregard of truth, such as a villain only could exhibit: And this deponent saith, that the said Lieutenant-General Darling selected the officers to compose the said court-martial, and although this deponent strenuously objected to two of the said officers, namely Captain Crotty and Captain Forbes, the Deputy Judge-Advocate, his objections were overruled: And deponent saith, that Colonel Lindsay, the commandant of the garrison at Sydney, was appointed the president, although from his rank as second in command and commandant of the garrison, and consequently possessing great influence, it was contrary to usual practice, and that Major M'Pherson, Captain Crotty, the Judge-Advocate, Captain Forbes, together with the said Colonel Lindsay, all belonged to the 39th Regiment, and were consequently brother officers of Captain Sturt, the military secretary of the said Lieutenant-General Darling, although the said Captain Sturt, as well as Lieutenant-General Darling himself, were personally involved in several of the matters in respect of which this deponent was brought to trial, and would presumably have been liable to censure had this deponent been acquitted: And deponent saith, that Lieutenant Wilford, of the Royal Staff Corps, was another member of the said court-martial, although he was a subaltern in the company of Captain Dumaresque, the brother-in-law of the said Lieutenant-General Darling: And deponent saith, that there were more than twelve other officers then in the Lieutenant-General's command who were competent in rank and in other respects to act on the said court-martial: And this deponent saith, that several irregularities were permitted on the said court-martial, to the serious prejudice of this deponent, and especially that, when acting under the advice of his counsel he protested against various decisions of the court upon interlocutory matters, he was severely reprimanded for insulting the court; and that on several occasions deponent was refused permission to cross-examine the prosecutor's witnesses, and that the questions which witness was advised by his counsel to put on cross-examination were not entered in the minutes, such omission being contrary to the practice of courts-martial and to martial law: And this deponent further saith, that one witness, Thomas Budd, admitted on his cross-examination that he had told some of his comrades that he had been closeted for hours with the prosecutor, Lieutenant-General Darling, and had received promises of reward in the event of his giving evidence against this deponent; and the said Thomas Budd, after the said court-martial was over, received a grant of land in the said colony: And deponent saith, that evidence was illegally admitted against him, in allowing a letter to be read as evidence when the writer of that letter, Mr. Chief Justice Forbes, was in the colony, and capable of appearing; and the the said Chief Justice Forbes subsequently, from a sense of duty to this deponent, wrote a letter to the Secretary of State for the Colonies, stating that the said evidence was illegally received: And this deponent saith, that a further irregularity in the said proceedings was, inallowing the prosecutor to contradict one of his own witnesses, the said Lieutenant Sweeny, when the said Sweeny was giving favourable testimony to deponent, by producing a previous-written statement of the said Sweeny, not made on oath; and also in receiving the evidence of a convicted felon while still under sentence, notwithstanding the obvious dependence of such felon upon the will of the prosecutor in his capacity of governor: And this deponent saith, that the Judge Advocate, against whose appointment to that office he had solemnly protested, constantly communicated to the prosecutor the minutes of the daily proceedings of the court; and on one occasion permitted the prosecutor's principal witness, namely, Captain Sturt, of the 39th Regiment, the military secretary, to peruse the evidence

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evidence at his (the Judge Advocate's) quarters, in order thereby to refresh his memory before cross-examination, both of which last-mentioned facts appear on the original minutes of the said court-martial, now, as this deponent believes, in this country: And deponent further saith, that feeling himself aggrieved by the several matters hereinbefore set forth, as connected with his said trial, and that he had been tried illegally and convicted unjustly, upon charges which he has been advised by high legal opinions of eminent counsel, both in the said colony and in England, are so confused and complicated as to be in several parts unintelligible, he exerted himself, on his return to England in the year 1830, to obtain redress; and in the first instance solicited permission to examine the original minutes in the office of the Judge-Advocate General: And deponent saith, that on such examination he ascertained that the said minutes were garbled and untrue, and especially that although the charges against this deponent were eight in number, and brought forward on the trial seriatim, with the evidence in support of each, yet in the said original minutes they are all heaped together, and the evidence given in mass, and the relative dates of some of the said evidence transposed, so that it is impossible to ascertain, on the face of the said minutes, by what evidence each separate charge was attempted to be sustained: And this deponent saith, that one of the first steps which he took to obtain redress was, to present a memorial of his case to Lord Hill, the Commander-in-Chief, which memorial was forwarded by the late Right honourable Sir James Macintosh, M. P., but the prayer of it was refused: And deponent saith, that he then consulted a serjeant-at-law, of acknowledged eminence, on his case, and that six distinct objections of a fatal character were pointed out by him to the legality of the proceedings on the said court-martial; that deponent again addressed the Commander-in-Chief, through his military secretary, stating to him these objections at length, and received a second refusal, grounded on his Lordship's inability to enter upon any objections after the Royal approbation of the finding of the court: And this deponent saith, that he therefore presented a humble petition to the Crown, with a full statement of his case, and praying for further inquiry into it; but deponent received for answer, through Lieutenant-General Sir Herbert Taylor, that the application could not be entertained unless recommended by the General commanding in chief: And deponent saith, that he then, through the medium of several distinguished Members of Parliament, who personally applied to Lord Hill, endeavoured to get allowed the sales of his commissions (having purchased his company), but even this indulgence was refused him; till at length in the month of November 1831 he obtained the sale of a lieutenancy of infantry, which, though reduced to actual necessity, he would not accept, except under protest that it should not prejudice his appeal for a rehearing of his case: And this deponent saith, that after many further but vain exertions to obtain the attention of official men, he reluctantly petitioned Parliament, and his petition was presented on the 27th of March 1833, by Doctor Lushington, who previously to presenting it, personally examined the original minutes of the court-martial at the office of the Judge-Advocate General, to satisfy himself that this deponent had truly presented the objections apparent upon them, as hereinbefore set forth: And this deponent saith, that on the 11th of July 1833, Doctor Lushington moved for the production of the said minutes, and, as this deponent verily believes, the production and consequent exposure of the character thereof, would have satisfied the House of Commons of his just title to redress; but the motion was lost on a division of seventy-three to forty-two: And this deponent saith, that being thus defeated on every attempt to procure a rehearing of his case on the merits, he addressed a letter to the Chancellor of the Exchequer Lord Althorp, now Earl Spencer, setting forth the illegality of his trial, and especially calling his attention to the garbled character of the said minutes, which ought to have contained, and purported to contain, a true account and report of every days' proceedings, and yet omitted all notice of the meetings and adjournment of the court from the 11th to the 16th of July, thus carrying the stamp of falsehood on their face; but deponent only received a courteous but unfavourable reply to his said letter; and thereupon, as a last resource, he made a further appeal to the Commander-in-Chief, and presented to his Lordship a second memorial, which was supported by a strong recommendation in favour of it, signed by the Earl of Belmore and twenty-seven distinguished Members of Parliament; but this memorial met the fate of all his former applications and was refused: And deponent saith, that wishing to leave no means untried to obtain a reconsideration of his case, on the 20th of February 1834 he presented a petition to His Majesty in Council, which petition was prepared by his counsel, and set forth all the circumstances of his said trial, and prayed that His Majesty would be graciously pleased to refer the whole of deponent's case, together with the minutes of the proceedings of the said court-martial, to the Judicial Committee of the Privy Council; but deponent saith, that the only answer which he obtained to the said petition was in a letter from Mr. Greville, dated from the Council Office, Whitehall, the 24th February 1834, stating that he was directed by the Lords of the Council to return deponent's memorial, the subject matter thereof not coming under the cognizance of His Majesty in Council: And deponent saith, that feeling himself the victim of an unjust and unmerited persecution, and debarred of all possible means of procuring even a rehearing of his case, and acting under the impression that when public men of such ackowledged weight and influence as the 27 Members of Parliament hereinbefore mentioned, with Lord Belmore at their head, could not succeed in obtaining even the scanty redress of inquiry, although they publicly and privately avowed their full conviction of the wrong which had been done to him by his illegal trial, he felt assured that the true explanation of his defeat was to be found in the fact, that throughout the whole proceedings was involved a personal question, on the issue

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of which depended either the military honour of this deponent, or the character of Lieutenant-General Darling's colonial administration; that the administration of the said Lieutenant-General Darling having been the subject of much public discussion in the colony, and of much complaint to the authorities in England, he, this deponent, felt it competent to him, and believed that he was legally entitled, to enter on the same public discussion in this country, and it appeared to him that if he thereby succeeded in showing that the public conduct of Lieutenant-General Darling was such as loudly to call for investigation, as respected not only this deponent, but numerous other individuals, he should thereby indirectly establish, to the satisfaction of those official men who have hitherto closed their ears to deponent's complaints, that those complaints were to be received with more confidence, as forming part of a system of oppressive mal-administration by a high public functionary; that for these reasons, and with a view to protect his own interests in the only way in which it now appeared that they could be protected, and not from any motive of revenge or personal hostility, (so far as human infirmity under such aggravated injuries can truly disclaim the existence of such feelings), this deponent published the pamphlet in respect of which this prosecution has been brought: And deponent saith, that having himself been present at the parade at Sydney, when the soldier before mentioned, of the name of Sudds, and another soldier named Thompson had certain irons rivetted upon them, and having at the time observed the sickly and debilitated state of the said Sudds, who died within five days of the said punishment being inflicted, and having shortly afterwards tried on the same irons, as already mentioned, with a view to judge of their weight and severity, and expressed himself in terms of great indignation at the cruelty of such an unprecedented punishment, he, this deponent, read with great interest the papers laid before the House of Commons, in consequence of an Address of that House, dated the 5th of July 1832, and numbered 620, and 1st of July 1830, numbered 586: And this deponent saith, that in the said papers, at the 41st and following pages of number 620, he found certain examinations, purporting to be the evidence of witnesses examined before the Executive Council at Sydney, at the instance of the Governor; and in these examinations it was stated by one Martin Wilson, the under-gaoler at Sydney, that "Fourteen days after the said prisoner, Sudds, was sent to gaol, he was taken ill, and complained;" and again it was stated by the same witness, "that he was taken into the prison hospital, and remained there about three or four days; that he was discharged from the hospital, and returned again into the fines room; that he remained there a few days, when he sent to inform the witness by Mr. Toole that he was ill; that the witness went to see him, and thinking him unwell, directed him to be placed in the prison hospital to be examined by the surgeon;" and in another place, "that he remained in the hospital with his irons on until the 22d of November, the day he was taken to the barracks;" and it was also stated by the same witness, that "the said Sudds was removed from the gaol about ten o'clock in the forenoon, and was marched to the barracks; he appeared to be unwell, and put his hands on Thompson's shoulder as he descended the steps; but he did not complain;" and afterwards the same witness states, that "Sudds complained of being ill on Thursday the 23d, and was sent to the general hospital on Sunday evening, the 26th of November:" And this deponent saith, that in the same examination he read the evidence of John Toole, the first turnkey of the said gaol, wherein it is stated, "that Sudds was taken ill a few days before he was tried; he was very much swelled from his head to his feet; he was bled, and received opening medicine; after his trial he became worse, and was placed in the prison hospital, where he remained two or three days; he was then discharged by order of the principal and assistant surgeons; he was again taken ill, and remained in the hospital on this occasion two days; he had irons on; by order of the assistant surgeon, on Wednesday the 22d of November, these irons were taken off, and he was marched to the barracks; he seemed to be low-spirited and unwell; on his return from the barracks, he remained for that night in the fines room, with the irons, which were put on at the barracks; the following day he was taken ill, and put into hospital, and the irons were removed by me on Thursday the 23d November, about four o'clock:" And deponent saith, that John Thompson, the medical attendant at the gaol, states, in another part of the said examinations, "In the early part of November Sudds was ill, and was an out-patient; he was bled, and took opening medicine; some days after, about nine o'clock in the evening, he was brought into the sick ward, and was very ill; he was much swollen, and complained of his head and bowels; I made him foment his belly on the following morning with hot water; it removed the pain and swelling from his belly, but the swelling in his legs and thighs still continued; when the surgeon came in the forenoon he ordered him to be discharged from the hospital; his head and bowels were then better, but the swelling of his legs and thighs still continued; he mentioned that he supposed it to be from dropsy, the same complaint he had formerly had an attack of in the West Indies; he remained out of the hospital a few days, when he returned again in a much worse state than he formerly was; I made him have recourse to the same fomentations and opening medicines; I asked him when he came into the hospital, 'What is the matter with you?' he said, 'My belly is like a drum;' he remained in the hospital with the gaol irons on until the morning of the 22d; the irons were then struck off, and he was taken to the barracks; on his return he was again put into the fines room; the next day, Thursday the 23d, between twelve and two, he was brought to the hospital and placed in bed; Mr. M'Intyre saw him immediately, and ordered his irons to be taken off; Mr. Toole, to whom this order was given, replied, that the irons had been put on by the direction of the Government, and he could not remove them; Mr. M'Intyre observed, the irons are too heavy

heavy to be worn here, and they must be taken off, while he is in the hospital at any rate; about four o'clock that afternoon, some time after Mr. M'Intyre went away, the irons were taken off; Sudds continued to get worse, and was removed to the general hospital on the Sunday afternoon; he had complained from the time he was taken ill in the beginning of November of a pain in his throat, and difficulty in breathing, which difficulty increased to such a degree that he could scarcely breathe, and was totally unable to take nourishment after Friday, when he took in my presence a little arrow-root and tea; on Saturday he was unable to swallow any thing but a little water, which I put into his mouth with the spoon; and this inability to take food continued until his removal; from the time of his first coming into the gaol hospital early in November, he had no appetite; he scarcely eat any thing, and appeared to have an incessant desire to drink." And this deponent saith, in the said Parliamentary papers he also read the examination of Patrick Thompson, the soldier who was convicted of the same offence as the said Sudds; in which examination it is stated, "The clothing which I and Sudds had on were taken off, and a suit of regimentals put on; each of us were then taken to the parade-ground, and the regimentals taken off us, and a suit of yellow cloth put on each of us, and a general order read to us by Brigade-major Gillman, by the order of his Excellency General Darling. After the order was read to us, a set of irons were put on each of us; the irons consisted of a collar, which went round each of our necks; and chains were fastened to the collar on each side of the shoulder, and reached from thence to the basil, which was placed above three inches from each ancle: there was a piece of iron which projected from the collar before and behind, about eight inches at each place; the projecting irons would not allow me to stretch myself at full length on my back; I could sleep on my back by contracting my legs; I could not lie at full length on either side without contracting my legs; I could not stand upright with the irons on: the basil of the irons would not slip up my legs, and the chains were too short to allow me to stand upright; I was never measured for the irons, and Sudds's collar was too small for his neck, and the basils for his legs, which were swollen; I never heard him say that he had been in the West Indies: Sudds was turned out of the hospital the morning of the punishment, and taken to the barracks; about an hour afterwards Sudds was taken from the hospital to the sessions; on the 6th of November he appeared to be very ill, insomuch that the man who was handcuffed with him was obliged to sit down on the grass in the court-yard, to enable him to lie down: he continued in that way till after his trial; soon after his trial he went again to the hospital: this was about eight o'clock at night; he was taken very ill with a complaint I believe in his bowels, and Mr. Wilson, the under-gaoler, at the instance of the prisoners, about 30 in number, who were in the same ward, and consisted mostly of debtors and confines, took him into the hospital; Sudds had no irons on him at the time, nor had I; but the next morning, to the best of my belief, irons were put on him by Toole, the turnkey, by order of the doctor, as I was informed both by Toole and Sudds: Sudds I believe remained in the hospital till the 22d, having irons on all the time; after his trial, and before his last illness, he had been in the hospital a few days, and had been discharged by the doctor; for the last six days previously to the 22d, I, for the most part, got Sudds's rations of bread; he could not eat it himself:" And this deponent saith, that after describing the manner of their punishment, he read in the same examination, "On our return to the same ward in the gaol, Sudds sat down with his back to the wall, saying that he was very ill and wished to go to the hospital again; but he did not go to the hospital till the next morning; I do not know that he reported his illness to the under-gaoler that evening; the basils of his irons cut his legs during the time we were coming from the barracks to the gaol; it was owing to the sharpness of the basil and the weight of it that we were cut; Sudds's irons I think were a little larger in the chains than mine, though he was about three inches shorter than me: the night of the day of punishment, Sudds was so ill that we were obliged to get a candle about eight o'clock from Wilson, the under-gaoler, in order to keep up a light during the night; I gave him some tea which I had purchased; about ten o'clock he was very ill; I requested a fellow prisoner to get up and look at him, thinking he was dying; the fellow prisoner, whose name I did not know, did look at him, and said he was not dying, but he did not think he would live long; I then asked Sudds if he had any friends to whom he would wish to write; he said he had a wife and child in Gloucestershire, and begged that if he did not get better by the next night I would read some pious book to him, adding that they had put him in them irons until they had killed him:" And deponent saith, that in the said Parliamentary Papers, namely, at the 25th page of No. 586, he also read the examination or what purported to be the examination of Lieutenant-Colonel Thomas Shadforth, of the 57th Regiment, wherein he states, that on the parade the said Sudds appeared to him to be in a sickly state, and in another place, "I really cannot positively state, but I think he did sit down to have his convict shoes put on, which he seemed to effect with difficulty, his feet being swollen:" And this deponent saith, that having worn the said irons, and having been an eye-witness of the punishment inflicted on the said Sudds, he believed when he read the said examinations, that his death was accelerated by the punishment, and as he had heard the order for the said punishment read, whereby it was ordered, or purported to be ordered, by the said Lieutenant-General Darling, that the said Sudds should work in the said chains on the road for seven years, and knowing that no surgeon of Sudds's regiment was in attendance on the parade, when they were put on, he conceived that the said Lieutenant-General Darling was responsible for the fatal effects of the said punishment: And this deponent saith, that this impression on his mind was confirmed by reading in another part of the said examinations in the Parliamentary Paper numbered 620, a statement of Mr. M'Intyre, the surgeon, referred to in the preceding

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extracts, in which are the following words: "After my interview with the governor I returned home, and stated the appearances on dissection to Doctor Bowman, and explained to him what it was desired I should add to the report; he replied, I must be cautious as to what I wrote, and that I should state nothing I could not swear to:" And in another place, "Mr. M'Intyre's attention was then called to the discrepancy between his relation of the facts to the Governor in the presence of the Colonial Secretary, and his written report:" And this deponent saith, that this statement induced him to believe that the governor had influenced, or desired to influence, the said M'Intyre, in the evidence that he should give; and this impression was further strengthened by comparing the dates of some of the papers transmitted or purporting to be transmitted by the said Governor to the Colonial Office, under the date of 12th December 1826, in his own vindication: whereas this deponent saith, that one of the said documents, being a statement, by the said Colonial Secretary, of what passed at the said interview between M'Intyre and the governor, and purporting to be a deposition delivered on oath to the said Executive Council, is dated two days after the meeting of the said Executive Council, at which it is represented to have been delivered, and appears by the jurat to be sworn four days after it bears date, and three days after it purported to have been transmitted by the said Governor to England; all which facts being apparent on the face of the said Parliamentary Papers, led this deponent to believe that undue practices had been adopted in taking and transmitting such examinations, and to infer that such practices could only proceed from a consciousness of guilt: And this deponent further saith, that another inquiry took place before the executive council in the year 1829, when this deponent was examined, and a set of irons were produced to deponent, who was asked if they were the same irons that he had formerly tried on: And deponent saith, that he put on his person, as he believes, the irons so produced, and as this deponent verily believes they were not the same irons, but others of a like description, but of different weight, though of similar form, that had been substituted for those which had been rivetted on the said Sudds: And deponent saith, that on this second inquiry, Lieutenant-Colonel Shadforth, of the 57th Regiment, was also examined, and confirmed the fact, that Sudds was in a bad state of health at the time that the said punishment was inflicted: And this deponent further saith, that in another part of the said Papers, namely, at page 2 and the following pages, he also read a letter, purporting to be signed by one W. C. Wentworth, and addressed to Sir George Murray, as the Secretary of State for the Colonies, in which the said W. C. Wentworth charged the death of the said soldier Sudds to have been caused by the said Lieutenant-General Darling, and, in fact, accused the said Lieutenant-General Darling of having murdered the said Sudds, by inflicting upon him the said punishment: And this deponent saith, that having attentively perused all the said examinations and evidence taken before the said Executive Council, and having not only seen the said punishment inflicted, but having heard read and published on the parade previously to its infliction, an order directing it, which order was signed and issued, or purporting to be signed and issued, by the said Lieutenant-General Darling, he this deponent thought that it was competent to him in law to publish to the world all that he personally knew upon the subject of the said punishment, and the rather because he thought it had already been the subject of much public discussion both in the colony and in Parliament, and though it had been brought forward as a ground of impeachment against the said Lieutenant-General Darling, in the said letter by Mr. Wentworth to the Secretary of State, yet the said Lieutenant-General Darling had never, to the belief of this deponent, called for any court of inquiry, or court-martial, or other public investigation into his conduct, other than the said before-mentioned Executive Council, at the first of which the said Darling presided, and at the second of which there were only present three parties officially connected with the said Lieutenant-General Darling, one of whom was Colonel Lindsay, who had presided at the said court-martial on this deponent, and at which last-mentioned Executive Council the witnesses were not in any instance cross-examined, so far as appears by their examinations, quoted in the said Parliamentary Papers, No. 586, and as this deponent believes to be true, although the said examinations are so contradictory, that one witness, a magistrate, is made to state that the men danced as they moved along in the irons; while other witness, being the lieutenant-colonel of the regiment to which they belonged, and who commanded that regiment on the parade, is made to state, on the other hand, that he thinks Sudds sat down to have his convict shoes put on, which he seemed to effect with difficulty, his feet being swollen; and although the identity of the irons produced before the said Council is not established by tracing them from the person of the prisoner Sudds in an unaltered state, though the identity of the irons then produced was a question in dispute, and though the original irons were acknowledged by William Dumaresque, late civil-engineer, to have been made by order of the said Lieutenant-General Darling expressly for the said Sudds and Thompson, from which negligence on the part of the said General Darling this deponent believed him to be conscious that his conduct would not stand the test of inquiry; but this deponent being now aware that such publication by him was illegal, is sorry that he should have been led so to offend the law: And this deponent saith, that he tried the said irons that had been rivetted on Sudds on his own person, and as he this deponent believes they weighed above thirty pounds, and were of a singular and novel form, having projecting spikes of seven or eight inches in length, extending before and behind an iron collar, rivetted on the neck, from which collar heavy chains depended to the ancles, and were there attached to iron basils, that were in like manner rivetted on to each leg, and connected by iron shackles, extending between the legs nearly to the fork of the body: And this deponent saith, that in the said Papers laid before the House of Commons, and printed by order of the House, dated in July 1830, and numbered

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numbered 586, as aforesaid, he read the following passage, being or purporting to be an extract from a despatch of the said Lieutenant-General Darling to Sir George Murray: "As to the system of espionage which Mr. Wentworth asserts is established, if correct, it would be fully justified in the mind of every man who has any knowledge of Mr. Wentworth, Captain Robison, and a few of their factious and seditious associates, who are infinitely more dangerous to the peace and tranquillity of the colony than the convicted felons, against whom every one is naturally on his guard:" And in another part of the said despatch this deponent read the following words, "There is also another point which you will not fail to remark in the minute of Council, as furnishing a pretty tolerable criterion of the credit which is due to Captain Robison's assertions;" and in another part thereof, "He," meaning Mr. Wentworth, "is perhaps in some measure correct in the sixth," meaning the sixth ground of protest of the said Mr. Wentworth against the proceedings of the said Executive Council, "as if Captain Robison had been previously apprised of the intention to examine him, there could be little doubt that he would have consulted his friend Mr. Wentworth as to the testimony it might be proper for him to give:" And deponent saith, that he construed the said two passages last quoted to mean, that he, this deponent, was a man unworthy of credit, and ready to give false testimony, if he had the opportunity of preparing himself beforehand, both which imputations deponent felt to be gross insults to him, both as an officer and a gentleman; deponent at the date of the said letter being still in the possession of his commission: And this deponent saith further, that when he presented his petition to the House of Commons, hereinbefore mentioned, the said Lieutenant-General Darling printed for private circulation, or caused to be printed, by one J. M'Gowan, of Great Windmill-street, certain remarks on the said petition, which remarks were insulting to this deponent, and irrelevant; and this deponent having heard of the circulation thereof, requested the late Norman Lamont, esquire, the Member for Wells, to apply for a copy of them, to which application the said Lieutenant-General Darling replied in the following terms: "57, Haymarket, 8th July 1833.—Sir,—I am this moment honoured with the receipt of your letter, requesting to be favoured with a copy of my reply to Captain Robison's petition, and regret that I am not at liberty to comply with your request.—I have the honour, &c. *R. Darling.*"—And this deponent saith, that the said remarks were not only irrelevant and unfair, but conveyed a false and insulting impression of the facts connected with this deponent's trial; as one instance whereof, this deponent saith, that in reference to the disgraceful and felonious charge hereinbefore set forth of breaking open the mail-bag, and taking other letters than his deponent's own therefrom, the said Lieutenant-General Darling remarks, that the court-martial found deponent guilty of having, in an unauthorized and unwarrantable manner, caused the mail-bag to be opened, but omits to add the important supplement to this finding, that they did not find that the prisoner's conduct in this proceeding was derogatory to the character of an officer and a gentleman, and acquit him of all the other infamies contained in this charge;" and this deponent saith, that there was not one of the remarks so published by the said Darling for private circulation that could not have admitted of a reply or an explanation equally satisfactory had this deponent possessed a fair opportunity of answering them; and deponent saith, that the said Darling having thus been the first aggressor, and having by his own publication thus challenged an appeal to the public, and having clandestinely published the said insulting remarks, in order to prejudice this deponent's petition to the House of Commons, he thought himself at liberty to publish all within his knowledge that fairly exposed the public character of his assailant; and deponent saith, that the latter part of the pamphlet, for the publication of which he has been convicted of libel, and which part is entitled, "Extracts from the New South Wales Monitor, from 6th to 16th March 1833," was a republication (except as to the notes) of some articles that had appeared in a newspaper at Sydney, called the Sydney Monitor, and to the composition or publication whereof at Sydney the deponent was in no respect privy: And deponent saith, that in respect of this part of the said pamphlet, as well as of the former part, it related in many facts to circumstances within the personal knowledge of this deponent, and therefore he believed the whole of it to be true; and deponent saith, that in omitting to prefix his name to the said pamphlet, he did so not from any wish for concealment, but only because it purported to be, as it really was, a republication of articles already published in the said colonial newspaper with the original author's name, and as respected that part which related to the punishment, it was little more than a recapitulation of circumstances already detailed at greater length in the Parliamentary Papers already quoted; but this deponent saith, that he desired the publisher of the said pamphlet to communicate the name of this deponent as author as soon as ever deponent heard that it had been the subject of inquiry: And deponent saith, that he never consulted any legal friend or adviser upon his right to publish the said pamphlet until the same was actually in print, because, for the reasons already stated, deponent considered himself fully entitled to publish the same; but as soon as deponent was informed that legal proceedings had been taken against him, and was thereby led to inquire, and was also informed that he had been guilty of the offence of libel, he called in all the copies of the said pamphlet that he could recover, and prohibited the further sale thereof, and has never since authorized the sale of a single copy, and also wrote to the solicitor of the said Lieutenant-General Darling, on the 28th December 1833, a letter of which the following is a copy: "28, Tavistock-place, Tavistock-square, 28th December 1833.—Sir, When I heard that you had been instructed to prosecute the printer of a pamphlet alleged to be a libel against General Darling, I lost no time in calling upon you, and avowing myself to be the author of that publication, or, more correctly speaking, that

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this publication, of which I am not the author, was reprinted in this country by my direction. My past life, previous to my return to England from New South Wales, having been spent in the active military service of my country, I am little acquainted with the laws, which I respect and desire to observe. The pamphlet referred to was published on my own responsibility, and without advice. I was ignorant that I was thereby committing any breach of the law, and I have yet to learn that I have done so. But supposing you to be better informed than myself on these matters, I think it right in me to communicate to you the fact that I have out of respect to the law stopped the further circulation of the alleged libel, of which the printer informed me not many copies have been sold. I repeat that I have done this out of respect to the law alone (which, as I understand it, now makes the greater the truth the greater the libel), and for no other consideration. To the man who has numbered me among the many victims of his tyranny and injustice, I owe nothing beyond that which ever the oppressed owes to his oppressor; I have sought my own vindication alone, and if I have sought it by improper means I will retrace my steps as far as it may be in my power, but only to advance again by any and all legal courses which may be left open to me until I have obtained that which I have alone entreated, a full and impartial hearing of my case. I am, Sir, &c. *R. Robison.*—George Frere, Esq. Solicitor, Lincoln's inn." And deponent saith, that he received no reply to the said letter; and this deponent further saith, that on the 31st of May 1834, he wrote a letter, of which the following is a copy, to Lieutenant-General Darling's said solicitor: " 28, Tavistock-place, Tavistock-square, May 31, 1834.—Sir, Having taken a step, which whether legal or illegal, was no doubt extraordinary, and respecting which I might even very possibly be mistaken, I am anxious at all events to show, that however I might be acting under over-irritated feelings, the simple object I had was redress. I entered the army early; I served in it with honour and distinction for many years; I committed no voluntary fault, and I find myself, through what I cannot but consider the harsh interference of General Darling, thrown out of my profession, deprived of the money I had embarked in it, and dependent wholly on the re-establishment of my character for my means of subsistence. I have friends convinced of the hardship of my case, and determined, whatever may be the House of Commons, or whatever the Ministry, not to abandon their endeavours in my behalf. In my present position, then, I am necessarily put in opposition to General Darling, and it is impossible to avoid exculpating myself without inculpating him. Of course, I believe myself in the right; General Darling may have the same opinion of his own conduct; there may be circumstances (for my temper is warm) to blame in both our conducts. I am willing to take the decision of this, if you think proper, from the public, as I am willing to give it to the public to decide upon; but at the suggestion of cool and impartial friends, I now stop to make a proposition, which they think it impossible that you, on the behalf of General Darling, should not receive as a further proof that my only desire is to vindicate myself in such manner as to place my character and my prospects in the situation which, as a duty to myself and family, I consider myself called upon to place them in before the world. Let any two gentlemen of honour, Sir Henry Hardinge on the part of General Darling, Mr. Henry Bulwer, if you please, on my part, meet, discuss the different things that are to say on both sides, and decide any course that I should take as satisfactory to General Darling, any course that General Darling should take as satisfactory to me. I bind myself as a man of honour to abide by these gentlemen's decision, and it might, perhaps, be such as would do me justice, without entering into many particulars which have been hitherto made part of the question. I have no fear, Sir, that you will misconstrue the nature of this letter, and I shall await your answer previous to taking those further measures which, if this proposal is rejected, I am counselled to pursue. I am, Sir, your most obedient Servant, *R. Robison.*" To which letter deponent received an answer in the following terms: " Lincoln's Inn, May 31st, 1834.—Sir, The accusations you have brought against General Darling having been more than once preferred and answered, and investigated before the highest constituted authorities of the State, the mere repetition of them by a man of over-irritated feelings (by which you confess yourself to have been actuated) can never impose upon General Darling an obligation of submitting them again to a private tribunal, devised by you, for the avowed purpose of repairing your own broken character and fortunes, through the means of the destruction or impeachment of his. Having already given this answer to similar proposals made to me at different times by your friends Mr. Tennant and Mr. Stephen, I need not, perhaps, have taken any notice of your letter just received, being a document addressed, as Mr. Stephen intimates, not to me or to General Darling, but to the good feeling and good sense of the House of Commons. You may think a proposal for arbitration will sound very plausibly in the ears of those whom you call your friends, or whom you may have succeeded in making for a time enemies to General Darling; but I think you will find yourself mistaken in supposing that, after the various discussions this subject has already undergone, any considerable number of men in the House of Commons or elsewhere, will consent to join you in new conspiracies against the character and peace of an honourable man and distinguished officer like General Darling, or will blame him for declining to concur in a proceeding that would excuse or even sanction a republication by you of whatever calumnies you may mistake for truths, and with no benefit to himself except the opportunity of again refuting falsehoods which need no further refutation. In consequence of Mr. Stephen's recent application to me on your behalf, I had recommended to the General that he should consent to a remission of the punishment you have incurred by your printed libel against him; and I believe he would have acceded to it if you had had the good feeling and good sense to offer him a proper acknowledgement, accompanied by a reasonable assurance

against

against further molestation; for your sake as well as his, I am sorry that you should still persevere in a course which, at the same time that it causes considerable loss and inconvenience and annoyance to him, must have the effect of rendering your present misfortunes irretrievable. I remain, Sir, your obedient humble servant, *Geo. Frere.*—To Robert Robison, Esq." And deponent saith, that on the 8th of June 1834, he addressed a letter to the said Lieutenant-General Darling, of which the following is a copy: " 28, Tavistock-place, Tavistock-square, 8th June, 1834.—Sir, You are aware that when I first heard of your proceeding against me by indictment for a libel, and after I had learnt from my legal advisers that I had been guilty of a breach of the law of my country by republishing certain statements prejudicial to your character, although these statements were written and first published by some other person in New South Wales, I lost no time in stopping the circulation of that publication, and in expressing my sense of regret for such unintentional breach of the law on my part. I therefore feel no difficulty in tendering to you my apology for that offence, and, moreover, I wish to accompany this apology with the expression of regret for the wrong which I have thus incautiously, though I repeat unintentionally, committed. I am, Sir, your obedient servant, *R. Robison.*—P. S. Having been informed that it is alleged against me, that some copy or copies of the publication complained of has or have been sold since the date of my declaration that the circulation should be stopped by me, I have only to observe in answer to this, that on the day when that declaration was made by me, I took every means in my power, as I conceived, for obtaining possession of every copy, and that I thought I had succeeded. I can only express my surprise and regret if it should be proved that I had been deceived in this respect. *R. R.*"—To which letter this deponent received a reply as follows: " Lincoln's Inn, 10th June 1834.—Sir, We beg to acquaint you, that General Darling has sent us the letter addressed by you to him yesterday, and has desired us to acknowledge the receipt of it. Mr. Frere, who attends more immediately to General Darling's affairs, is not at present in town; but we beg to observe, that with reference to the communications already made to you on the subject, your letter of the 8th instant does not appear to require any answer. We are, Sir, your most obedient servants, *Frere & Forster.*—Robert Robison, Esquire." And deponent saith, that he wrote all the said letters *bonâ fide*, and sincerely to atone for having done an act which he was informed after it was done was illegal, and because he had no wish to prosecute his endeavours to obtain redress in any illegal manner: And deponent saith, that the allowance hereinbefore mentioned to have been made to him of the sale of a lieutenant of infantry's commission, was made, as this deponent believes, for the reasons assigned in the following letter addressed to him by the Military Secretary of the Commander-in-Chief. " Horse Guards, October 8th, 1831.—Sir, The General Commanding-in-Chief having had before him your letter of the 8th ultimo, in which, having referred to your former letter, dated the 7th July, you repeat your urgent request, whether, in consideration of your past services of nearly 25 years, and having purchased your company, it is the intention of his Lordship to allow you any portion of the sale of your commissions. I am directed to acquaint you, that having given the fullest attention to every part of your case, as contained in the voluminous documents which have from time to time been laid before him, and having expressed to yourself and to those of your friends who have kindly interceded in your behalf, his regret that he could not, consistently with his duty, either replace you on half pay or recommend you for any military employment, his Lordship has nothing further to communicate upon that subject; but as in the letters above alluded to you have confined your solicitation to be allowed to receive the value of some part of your commissions, on the plea of having purchased them, of past service and urgent present distress, being thrown with your family upon the world without the means of even daily subsistence, the General Commanding-in-Chief has, in consideration of all these circumstances, authorized me to acquaint you, that he will consent to your receiving the value of a lieutenancy of infantry, as soon as one can be sold for the purpose. I have the honour to be, Sir, your obedient humble servant, *FitzRoy Somerset.*—R. Robison, Esquire, late captain, New South Wales Veteran Companies:" And deponent saith, that he has been entirely ruined by the circumstances hereinbefore stated, and that the said sum of 700*l.*, being the value of the said lieutenant of infantry's commission, and a further sum of 300*l.*, (being in part payment of his allowances, which amounted to more than double that sum, and had been stopped by the said Lieutenant-General Darling) are the only sums which this deponent has received in respect of his pay and allowances since April 1830: And deponent saith, that he purchased his company, and that at the time he was dismissed the service he was receiving and entitled to the pay of a cavalry officer, and as such the regulation price of his troop would have been 3,225*l.*, all of which this deponent has lost, except to the extent aforesaid: And deponent saith, that he is a married man, but that all the property which he possesses in the world, including his wearing apparel, does not amount to 150*l.*, and that he has no expectations or reversionary interest of any kind or description: And this deponent also saith, that although by the practice of the colony at the time, all veteran officers of deponent's rank who chose to reside there, were entitled to a grant of 2,560 acres of land and other advantages, this deponent never received any; nor although he married in the colony, and, according to the same practice, was entitled to expect a grant of 1,000 to 2,000 acres, did he receive any on that or any other occasion; yet the said Lieutenant-General Darling made large grants of land to other officers of the veterans, and to numerous connexions and individuals of his family in the colony, and to all officers that elected to reside there, and had not fallen under his displeasure: And deponent lastly saith, that his grandfather and father and four of his brothers died in the army, and all of them served with distinction and credit, his

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grandfather having been, at the time of his death, a captain in the Irish artillery, his father at the time of his death having been a colonel in the Royal British Artillery, and his said four brothers having also, at the time of their respective deaths, been officers holding His Majesty's commission, and one of them being a Lieutenant-Colonel in the 24th Regiment, and having received the honour of being created a Companion of the Order of the Bath.

Sworn in Court this 22d day of January 1835. *Robert Robison.*

By the Court.

COPIES OF AFFIDAVITS IN AGGRAVATION.

(In the King's Bench.)—*The King* against *Robert Robison.*

Affidavits in Aggravation.

THOMAS DE LA CONDAMINE, of Clifton, in the county of Gloucester, Esquire, captain in His Majesty's army, maketh oath and saith, That in the years 1826 and 1827 he acted as military secretary to Lieutenant-General Ralph Darling, then Governor of the Colony of New South Wales: And this deponant saith, that he hath seen the affidavits sworn by the said defendant, Robert Robison, on the 22d day of January last, and with reference thereto, this deponent saith, that it is not true, as stated in the said affidavit, that the said defendant was appointed to the command of a corps of out-pensioners of Chelsea Hospital, or that the said defendant was removed from the command of the said corps by order of the said Lieutenant-General Darling; or that the greater part of the said defendant's own company was given to the care and charge of junior subaltern officers of the Line, for which those officers received extra colonial pay and allowances; for this deponent saith, that the said out-pensioners were not raised as a corps, but in three companies; and, that the said defendant was the second only in rank and seniority of the three captains who were appointed to the said three companies, so that there could be no just ground or pretence for the said defendant to consider the said three companies as a corps, or to claim for himself the command thereof: And this deponent saith, that Captain Darcy, who was junior in point of seniority of rank, to the said defendant, arrived in the said colony with part of the said three companies, and was sent with his own company to Van Diemen's Land previous to the arrival of the said defendant, and was never under the command of the said defendant in the said colony: And this deponent saith, that at the time of the said defendant's departure from England with the remainder of the said three companies, Lieutenant-Colonel Dumaresq, who had been appointed to one of the said companies, and was senior to the said defendant, was employed upon the staff of the said Lieutenant-General Darling, and continued to be so employed after the said defendant's arrival in the said colony, which took place on or about the month of October 1826; and therefore, but for that reason only, the said defendant had the temporary charge of the said two companies in the absence of the said Lieutenant-Colonel Dumaresq, until the 25th of the same month of October, when Lieutenant-Colonel Dumaresq's company was ordered to act independently under the senior subaltern officer of the said company: And this deponent further saith, that agreeably to the purposes for which the said veteran companies had been raised, a considerable portion of the soldiers belonging thereto were distributed in small numbers among the several stations where convicts were employed for the purpose of serving as superintendents or overseers, and were therefore necessarily separated from their officers: And this deponent further saith, that the persons under whom such soldiers were employed as superintendents or overseers as aforesaid, were in some instances civilians and were in other instances officers of the Line, some of whom were junior to the said defendant; but this deponent denies that any of the said junior subaltern officers received any extra pay or allowances for such employment of the soldiers, other than such as they had received and been entitled to previous to such employment of them: And this deponent further saith, that in or about the year 1828, this deponent was appointed private secretary to the said Lieutenant-General Darling; and that from that time to the month of February 1831, all applications for grants of land in the said colony, and all answers to such applications passed through the hands of this deponent: And this deponent further saith, that the said defendant was not entitled, by the regulations of the said colony, to any grant of land whilst he was on full pay, and that the said defendant, after his dismissal from His Majesty's service, did not apply for any grant: And this deponent further saith, that he has seen the minutes of the court-martial on the said defendant, which are now in the Judge-Advocate's office, and read therein the evidence of Thomas Budd mentioned in the said defendant's said affidavit, and that although the said Thomas Budd admits, as stated by the said defendant, that he had told some of his comrades that he had been closeted for hours with Lieutenant-General Darling, and had received promises of reward; yet that the said Thomas Budd, in the course of the same evidence, denied the truth of the aforesaid boast to his comrades, and swore that he did not go to the Government-house, or see the said Lieutenant-General Darling: And this deponent saith, that during the period in question, he, this deponent, was in constant and daily attendance on the said Lieutenant-General Darling, and that the said Thomas Budd never, to the best of this deponent's knowledge, had any interview with the said Lieutenant-General Darling; and this deponent does not believe it possible that he could have had any such interview without the knowledge of this deponent: And this deponent saith, that both this deponent and Captain Sturt, who was also at that time on General Darling's staff, gave evidence before the said court-martial to the same effect; but although the said false

assertion

assertion of the said Thomas Budd is adduced by the said defendant in his said affidavit, the said several contradictions thereof are wholly omitted: And this deponent saith, that although the said Thomas Budd received a grant of land as stated by the said defendant, the said grant was not given to him as a reward for any evidence he had given, as appears to this deponent to be insinuated by the said defendant's said affidavit, but that it was given to him in common with about one hundred other soldiers, under a public and general order, issued pursuant to instructions received from the Horse Guards, for the disbandment of the veteran companies; and that the said defendant, having been in the said colony at the date of the said order, and having printed the same in one of his recent publications, must have been well acquainted with that circumstance: And this deponent saith, that during the period he acted as secretary to the said Lieutenant-General Ralph Darling, the reports made by the said defendant to the said Lieutenant-General Ralph Darling of the complaints of the soldiers under the said defendant's command, were not treated by the said Lieutenant-General Ralph Darling with neglect, as is untruly alleged by the said defendant in his said affidavit, but that, on the contrary, all such reports and complaints were duly attended to.

T. De la Condamine.

Sworn at the City of Bristol, the 22d day of April 1835, before *Edward Harley*, jun. a Commissioner, &c.

(In the King's Bench.)—*The King* on the Prosecution of Lieutenant-General *Ralph Darling*, against *Robert Robison.*

George Frere, of Lincoln's Inn, in the county of Middlesex, gentleman, maketh oath and saith, that he is solicitor for Lieutenant-General Ralph Darling, the prosecutor of this indictment: And this deponent saith, that he has read the affidavit of the said defendant, sworn on the 22d day of January last: And this deponent further saith, that the publication of the pamphlet in question was not stopped, as was asserted by the said defendant in his letter addressed to this deponent, dated the 28th day of December 1833, and as stated in his said affidavit, but that notwithstanding such assertion of the said defendant, the sale of the said pamphlet was continued at the shop of the said defendant's publisher, at No. 378 in the Strand: And in particular this deponent saith, that on the 8th day of January 1834, this deponent called at the said shop, and asked of a woman who was serving there for one of the said pamphlets, and that the said woman immediately turned round to one of the shelves of the said shop, and from thence handed to this deponent one of the smaller edition of the said pamphlet, with the frontispiece affixed, and said that the price was 3*d.*, which this deponent paid, and received the said pamphlet: And this deponent then asked the said woman for one of the larger edition of the said pamphlet, and the said woman answered that she had had a great many, and had sold all of them, but expected more in a day or two: And this deponent saith, that he complained to and remonstrated with the said defendant, through his friend Mr. Charles Tennant, by whom the said defendant had been introduced to this deponent, against such continuance of the said publication, which complaint was afterwards communicated to the said defendant; but this deponent saith, he believes that notwithstanding the said defendant's said assurance, and notwithstanding this deponent's said complaint and remonstrance, the sale of the said pamphlet was nevertheless still further continued: And this deponent saith, he saw one of the smaller edition of the said pamphlet lying in the front window of the said shop of the said defendant's publisher open and exposed for sale, with other pamphlets, as lately as the 8th day of May 1834: And this deponent further saith, that when the said defendant was first introduced to this deponent by the said Charles Tennant, for the purpose of acknowledging himself to be the author of the said pamphlet, the said defendant observed to this deponent that the affair must be the death either of him, the said defendant, or of the said Lieutenant-General Ralph Darling; and the said Charles Tennant thereupon added, that it was an affair of character in which the credit of one or other of those two gentlemen must be totally destroyed.

Sworn in Court, the 3d day of June 1835. *Geo. Frere.*
By the Court.

(In the King's Bench.)—*The King* against *Robert Robison.*

Richard Cannon, of Kennington-lane, Vauxhall, in the parish of Lambeth, in the county of Surrey, esquire, maketh oath, and saith, That he is chief clerk in the office of the Adjutant-General of His Majesty's Forces: And this deponent saith, his attention having been particularly called to certain passages in an affidavit sworn by the said defendant in this indictment, on the 22d day of January last, whereby the said defendant states, that "in the year 1835, he, the said defendant, was appointed to a corps of out-pensioners of Chelsea Hospital, and that he (the said defendant) was removed by order of Lieutenant-General Darling from the command of the said corps, without any cause being assigned to the said defendant for such removal; and that the greater part of the said defendant's own company was given to the care and charge of junior subaltern officers of the Line, for

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which those officers received extra colonial pay and allowances;" he, this deponent, has referred to the official papers in the said Adjutant's-General's office, and it appears from the said official papers, that the said veteran companies were not considered as a corps, but were to act independently of each other, under their own immediate officers: And this deponent further saith, that the said defendant was the second only in rank and seniority of the three captains who were appointed to the said three companies respectively, and that there was no just ground or pretence for the said defendant to consider the said three companies as a corps, or to claim for himself the command thereof, otherwise than as occasions might arise from time to time, in which the command thereof should be entrusted to the said defendant by the orders of his superior officer, or should devolve upon him by seniority, according to the general rules of the service, during the time when the said three companies were acting together.

Sworn in Court, this 16th day of April 1835. *Richard Cannon.*

By the Court.

(In the King's Bench.)—*The King* against *Robert Robison.*

Jonathan Scollick, of 22, Upper Crown-street, Westminster, esquire, maketh oath, and saith, That he is chief clerk in the office of His Majesty's Judge-Advocate General, and that he has read the affidavit of the above-named defendant Robert Robison, sworn in this indictment on the 22d day of January last, so far as relates to the trial of the said defendant on a court-martial at Sydney Barracks, in New South Wales, on the 11th day of July 1828, and subsequent days, and that he has referred to the original proceedings in the said Judge-Advocate General's office, relating to the said court-martial: And this deponent saith, it appears from the said proceedings, that the persons nominated to constitute the said court-martial were, as far as this deponent believes, from their rank and experience in the service, the most fit that could be found for the purpose; and that the said Court consisted of nine members, besides the Deputy Judge-Advocate, whereas five members would have been sufficient to constitute the said Court; and that the said defendant Robert Robison had a right to challenge or object to any member of the said Court against whom he might have a fair ground of objection, except the Judge Advocate, who is not a member of the Court, and cannot be challenged by any defendant; but the said defendant did, in point of fact, challenge and object to the Deputy Judge-Advocate, which challenge could not be allowed for the reason already stated; and the said defendant also objected to one member, viz. Captain Crotty, on the ground that such member was the intimate and particular friend of him the said defendant; but the said defendant made no other challenge: And this deponent further saith, his attention has been particularly called to the following passage in the said defendant's said affidavit, namely, that one witness on the said court-martial, "Thomas Budd, admitted, on his cross-examination, that he had told some of his comrades that he had been closeted for hours with the prosecutor Lieutenant-General Darling, and had received promises of reward in the event of his giving evidence against the said defendant; and the said Thomas Budd, after the said court-martial was over, received a grant of land in the said colony:" And this deponent saith, that on referring to the minutes of the said court-martial, it appears that the said Thomas Budd was cross-examined by the said defendant upon oath, and stated that he did not go to Government-house, neither did any one send for him to go there; and that he did not see General Darling, on the occasion of his being at Sydney, respecting the said court-martial; and that no promise was made to him, the said Thomas Budd, respecting his evidence against the said defendant; and that he did not tell the men that they would obtain their discharge if they gave evidence against the said defendant; and that nothing was said about his, the said Thomas Budd's, discharge, when he was informed by Captain Sturt and Lieutenant De la Condamine that he, the said Thomas Budd, would be called upon to give evidence against the said defendant: And this deponent further saith, that to the best of this deponent's knowledge and belief the said defendant's said affidavit contains no intimation of the fact, that the said Thomas Budd acknowledged, in manner aforesaid, that the declaration which had been made by him, and upon which such insinuation has been founded, was false.

Jon. Scollick.

Sworn in Court, this 16th day of April 1835.

By the Court.

(In the King's Bench.)—*The King* against *Robert Robison.*

Thomas Hobbes Scott, of Whitfield, near Hexham, in the county of Northumberland, clerk, maketh oath, and saith, That in the year 1824 this deponent was appointed archdeacon of the colony of New South Wales, and continued in that office until the month of October in the year 1829: And this deponent saith, that in virtue of the said office, he this deponent was a member of the Executive Council of the said colony: And this deponent saith, he hath been informed, and believes, that at page 5 of the pamphlet or libel mentioned in this indictment, and which is found to have been written and published by

by the said defendant, mention is made of a meeting of the said Executive Council, which was convened by Lieutenant-General Darling, the prosecutor, on the 4th day of May 1829, and continued by adjournment on several succeeding days, on the subject of certain charges contained in Mr. Wentworth's letter of impeachment against the said Lieutenant-General Darling, also mentioned in the said libel; and that it is asserted in the said libel that the greater part of the said Council were dependents and creatures of the said Lieutenant-General Darling, upon whom he had lavished grants of lands, and that they met for the purpose of bolstering up his defence; and that the said Lieutenant-General Darling himself presided at the said Council; and that Chief Justice Forbes and Lieutenant-Governor Colonel Stewart assisted at the said Council; and that Captain and Brevet Lieutenant-Colonel Dumaresq, a brother-in-law of the said Lieutenant-General Darling, acted as the Council's clerk or secretary: And this deponent saith, that all the aforesaid assertions are false and untrue: And this deponent saith, that, on the contrary thereof, the members of the said Council were upright, honourable and independent men, and had received no grants of land, except such as were usually made under the authority of His Majesty's Secretary of State to the officers of the civil government generally: And this deponent saith, that the said Council met for the purpose of making a fair and impartial inquiry into the truth or falsehood of the charges contained in the said letter of impeachment, and did, in fact, carry on the said inquiry fairly and impartially and conscientiously, as their public duty required; and that the said Lieutenant-General Darling did not preside, and was not even present at the said Council during the said inquiry, but declined taking any part therein; and this deponent, as the senior member of the said Council, presided in his stead, and that neither Chief Justice Forbes, nor Colonel Stewart, nor the said Lieutenant-Colonel Dumaresq, were present at the said Council; and that the said defendant Robert Robison was himself present at the said Council, and must therefore have known the falsehood of the said several assertions: And this deponent saith, that he well remembers that on one of the meetings of the said Council, in the said month of May 1829, the two sets of irons, mentioned in the said libel, were weighed before the said Council, and were found to weigh, the one set fourteen pounds six ounces, and the other set thirteen pounds twelve ounces; and this deponent also well remembers that Mr. Edward Deas Thompson, who acted as clerk or secretary to the said Council, put on the said irons, and lay down with them at his full length on the floor, and turned as he lay without difficulty: And this deponent saith, that, according to the best of his recollection and belief, it did not appear from any of the evidence given before the said Council, that Lieutenant-General Darling had received any information as to the state of the health of Joseph Sudds, in the libel named, until after the death of the said Joseph Sudds; but, on the contrary, this deponent saith, that Doctor Bowman, the medical inspector of hospitals, Mr. James Mitchell, the surgeon of the hospital, and Mr. Henry Steel, the governor of the gaol at Sydney, were all examined before the said Council, and all severally deposed that the illness of the said Sudds was not reported to the said Lieutenant-General Darling, or to the colonial secretary, previous to his death: And this deponent saith, he has been informed, and believes, that the said Doctor Bowman, James Mitchell and Henry Steel, are all still in New South Wales, so that their depositions to the last-mentioned circumstances cannot now be obtained: And this deponent saith, that according to the best of this deponent's observation, judgment and belief, the said Lieutenant-General Darling conducted himself, in the government of the said colony, with impartiality, and without improper favour or unnecessary severity to any one, and with a due regard to the interests of the colony, and of all classes of persons under his command, and generally to the satisfaction of the respectable part of the said community; and this deponent does not believe it to be true that the said Lieutenant-General Darling ever did make lavish or improper grants of land in the said colony to any person or persons whomsoever, or that he ever did refuse to make a grant of land to any person who was entitled to such grant, according to the Government regulations.

Thos Hobbes Scott.

Sworn at Alston, in the county of Cumberland, this 4th day of April, in the year of our Lord 1835, before me, } *Robt Bainbridge*, a Commissioner, &c.

(In the King's Bench.)—*The King* against *Robert Robison.*

Ralph Darling, of Cheltenham, in the county of Gloucester, Esquire, a Lieutenant-General in His Majesty's land service, and late Governor of the Colony of New South Wales, the prosecutor of this indictment, maketh oath, and saith, That in or about the month of July 1825, he, this deponent, was appointed by his late Majesty King George the Fourth Governor and Commander-in-Chief of the territory of New South Wales and its dependencies; and this deponent entered upon the execution of his said office on or about the 19th day of December following, and continued in the same until the 22d day of October 1831, when he quitted the same, his ordinary term of service having expired: And this deponent further maketh oath, and saith, that in exercising the powers and fulfilling the duties of his said office, it was throughout the earnest wish and endeavour of this deponent to administer justice to all parties with strict impartiality and without favour or affection, or unnecessary severity to any one; and generally to act in such a manner as might prove beneficial to the colony at large, and promote the true interests of all classes

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of persons under his government: And this deponent further maketh oath, and saith, that on occasion of this deponent's quitting the said government, this deponent received a letter from Viscount Goderich, then His Majesty's Principal Secretary of State for the Colonies, dated the 15th March 1831, wherein the said Viscount Goderich informed this deponent that as the period of six years, referred to in Mr. Huskisson's circular of the 31st of May 1828, as the ordinary termination of a governor's tenure of his office, would expire in this deponent's case in the course of the then present year, the said Viscount Goderich acquainted this deponent that it was His Majesty's intention to relieve this deponent at that time; and the said Viscount Goderich added, that his Majesty fully appreciated the zeal for the public service with which this deponent had discharged his duties in the arduous situation in which he had been placed; and the said Viscount Goderich observed that the peculiar circumstances of the said colony were such as to impose great difficulties upon its governor; and that the efforts which had been made to establish a variety of charges against this deponent's administration of its affairs, had entirely failed; and the said Viscount Goderich assured this deponent that in those cases which had been under his the said Viscount Goderich's view, he considered this deponent to be free from the blame imputed to him, this deponent: And this deponent saith, that in consequence of observations which had appeared in the newspaper called the Sydney Monitor, and which were complained of by this deponent, the said Viscount Goderich on the 24th March 1832 addressed a letter to Major-General Bourke, this deponent's successor in the said government, directing him to give the utmost publicity to the statement that the recent change in the said government was in no degree whatever produced by any representation which might have been made to the department of the said Secretary of State for the Colonies: And this deponent saith, that the several matters principally alluded to in the libel in question in this indictment have been repeatedly brought under the consideration of the responsible servants of the Crown for the time being in their several departments; (that is to say) of His Majesty's Secretary of State for the Colonies, the Commander-in-Chief of His Majesty's Forces, His Majesty's Judge Advocate-General, and of His Majesty's Attorney and Solicitor-General, all of whom in their several departments, as this deponent has been informed and believes, have been of opinion that there was no ground for any charge against this deponent; and the same matters have been made the subject of discussion in the House of Commons, with a view to criminate this deponent on four different occasions, in the years 1828, 1830, 1832 and 1833; but on all which occasions the said House of Commons has declined to interfere further than to order the production and printing of sundry official documents relating to the same, upon which no ulterior proceedings have been had: And this deponent saith, that the said defendant ultimately appealed to Viscount Althorp, as the Chief Minister of the Crown in the House of Commons, as appears by the following letter, published by the said defendant in his "Short Statement" of his case:—"Wiseton, 27th September 1833.—Sir, When I heard the debate on the subject of your petition in the House of Commons, the impression made upon my mind was, that no case was established for producing the minutes of the court-martial; upon reading the printed report of the debate which you have sent me, the impression on my mind remains the same; I then read your letter, and have bestowed on it all the consideration in my power. You say that your object in writing to me was to answer Mr. Robert Grant's speech; I have considered it, and examined how far you have succeeded in effecting this object, and I am sorry to be obliged to tell you that in my opinion you have failed. I have, &c., *Althorp*.—R. Robison, Esquire." And with reference to the case of Joseph Sudds and Patrick Thompson, mentioned in the said libel, and in the affidavit sworn by the said defendant on the 22d of January last, this deponent saith, that previous to the arrival of this deponent in the said colony a dangerous disposition had manifested itself on the prrt of some soldiers of the Buffs, and of the 57th Regiment, to obtain their discharge from the military service by maiming themselves or committing transportable felonies; and shortly after this deponent's arrival in the said colony, two men of the said 57th Regiment maimed themselves for that purpose, by each shooting off one of his own arms, on which occasion an order was issued by this deponent, dated the 22d of April 1826, directing that those men, although useless as soldiers, should be continued in the service and employed as pioneers or scavengers at the barracks of one of the remote stations, which order was afterwards approved by the Secretary at War; and a similar regulation was thereupon adopted, and still subsists in the Mutiny Act: And this deponent saith, that the said order had the effect of preventing the soldiers from maiming themselves for the purpose aforesaid; but the said Sudds and Thompson afterwards committed a robbery, and avowed that they did it with a view of obtaining their discharge; and being convicted thereof before the court of quarter sessions, were sentenced to be transported to one of the penal settlements, where they were liable to be worked in irons on the public roads: And this deponent further maketh oath, and saith, that the said offence of the said Sudds and Thompson was very serious, both in a military and moral point of view, they having meditated desertion, and in order to accomplish it without the risk of forfeiting their lives, having deliberately committed a felony; and the said offence appeared to this deponent to require an exemplary punishment, as being calculated to seduce the military from their allegiance, and to hold out the degraded condition of a convict as superior to that of a soldier: And this deponent saith, that the Governor being empowered by a law of the local legislation to withdraw persons transported to penal settlements, and to order them to be worked in irons on the public roads in the colony; it was considered that the said evil would be more effectually checked by sending the said two men, Sudds and Thompson,

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at once to work in irons on the roads in the colony, and by exposing them to the troops under circumstances of degradation which might deter others from incurring the risk of similar disgrace: And this deponent saith, that with this view the said two men were by this deponent's order drummed out of the garrison, the convicts' dress and irons having been previously put on them in presence of the troops, instead of being put on them in the usual manner in the gaol: And this deponent maketh oath, and saith, that the irons mentioned in the said pamphlet were, according to the best of this deponent's information and belief, such irons as had been previously made and used by order of Lieutenant-Governor Grose for punishing disorderly women convicts in the said colony; and that the said irons so employed by the said Lieutenant-Governor Grose weighed about fourteen or fifteen pounds each, and that the said two sets of irons mentioned in the said pamphlet as having been ordered by this deponent, weighed, the one of them fourteen pounds six ounces, and the other set thirteen pounds twelve ounces, or thereabouts: And this deponent saith, that the Executive Council of the said colony was convened on the 4th day of May 1829, relative to the charges against this deponent, transmitted to His Majesty's Secretary of State by Mr. William Charles Wentworth, and by adjournment on several subsequent days until the 21st of May 1829, and that on one of the said days the said irons were weighed before the said Council, and were found to weigh, the one set fourteen pounds six ounces, and the othe other set thirteen pounds twelve ounces, being less than the ordinary weight of a soldier's firelock, and not exceeding one-fourth part of the whole weight usually carried by a soldier in heavy marching order; and that four witnesses were examined before the said Council, who afterwards swore to their examination, touching the weight of the said irons, namely, William Dumaresq, esquire, civil engineer, and Mathew John Gibbons, storekeeper, both of whom had actually weighed the same and found the weight to be the one of them thirteen pounds twelve ounces, and the other of them thirteen pounds and some ounces; and Benjamin Constable, overseer of blacksmiths, being the person who had the charge of making the said irons, and swore that they were calculated to weigh fifteen pounds, but that afterwards some part of the iron was taken away; and James Kinghorn, esquire, superintendent at Emu Plains, who had the said irons in his custody for more than twelve months, swore that he judged the same to weigh from twelve to fourteen pounds; all which depositions appear on the Parliamentary Papers referred to in the said defendant's said affidavit, and must have been known to the said defendant at the time he filed his said affidavit and the affidavits of John Head, formerly a convict, who is stated to have sworn that he estimated the weight of the said chains at thirty-five pounds; and of John Staples, formerly a soldier in the said defendant's company, who has sworn that he believed the same to weigh above thirty pounds; and John Robison, also a soldier in the said veteran companies, who swears that Edmund Munday informed him that the said chains weighed forty-eight pounds; but the said defendant has not noticed in his said affidavit the said examinations before the said Executive Council: And this deponent further saith, it appears by the official papers laid before Parliament that the said irons having, in the presence of the Executive Council of the said colony been put on a soldier of the same stature and size as the said Sudds, their dimensions were found ample, and there was nothing in their construction to prevent a man lying in any posture; and that it appears by the said depositions of the said James Kinghorn made before the said Council, that the said defendant, although considerably taller and stouter than the said Sudds, did actually put on the said irons at Emu Plains, and did lie down in them at full length on the floor, and the said James Kinghorn was almost certain that the said defendant turned from his back to his side whilst lying on the floor with the irons on him; and Mr. Alexander Kinghorn, who was also examined before the said Council, positively swore that the said defendant did lie down and turn himself on the floor with the said irons on: And this deponent saith, that the said irons were intended by this deponent only to be worn on occasion of the said soldiers being drummed out of the garrison, in order by their unusual appearance to produce an effect on the troops who were to witness the ceremony, and not to subject the said soldiers to any unnecessary or otherwise extraordinary punishment: And this deponent saith, that in consequence of certain circumstances which occurred at that ime, this deponent thought it proper not to remove the said irons from the said Thompson so soon as he had previously intended, and that the said Thompson wore the said irons for three weeks, and actually worked in the same with other convicts, and without sustaining any injury, and that he is now living, as this deponent believes: And this deponent saith, that according to this deponent's belief it is untrue, as stated in the said pamphlet, that the said irons were such as had never before been heard of in the said colony: And this deponent further saith, it is not true, as stated in the said pamphlet, that the men, Sudds and Thompson, were taken out of the hands of the civil power in defiance of the strong remonstrance of its illegality by the sheriff of the colony, but that, on the contrary, they appear by a paper signed J. Mackaness, who was sheriff of the said colony at the time in question, and which paper is marked (F.) in the Appendix to certain official papers laid before the House of Commons, and ordered to be printed on the 20th July 1832, that the said Sudds and Thompson were delivered on the 22d day of November 1826 by Mr. James, who was the deputy of the said John Mackaness, in the usual routine of duty, by virtue of an order from the Colonial Secretary to Brigade-Major Gillman; and it does not appear, and this deponent believes that it is not true, that the said John Mackaness knew of the said order, or that any remonstrance or observation whatever was made by him on the subject of the said order until it had been executed, if made at all: And this deponent further

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further maketh oath, and saith, it appears from the said official papers, and this deponent believes, that the man Sudds was not obliged to be supported to the perade, as alleged in the said pamphlet, but that, on the contrary thereof, the said Sudds walked to the parade without requiring any assistance whatever, and even as he returned, and held his cap in the air, to show his indifference to the degradation to which he had been subjected; and this deponent saith, that according to the evidence produced before the said Council, it appears, and this deponent believes, that the irons were not kept on the said man Sudds till he died, and that he did not die with irons on in gaol, but, on the contrary thereof, when he complained of being ill, that the irons which had been previously upon him were removed, and he was immediately conveyed to the infirmary of the gaol, and afterwards to the general hospital, where he died, and that the whole time the said man Sudds had irons on was about 28 hours only, and not five days; and this deponent further maketh oath, and saith, he has been informed, and believes, that the said man Sudds was ill at the time of his first coming into the gaol, but this deponent saith, that no report of his illness was made to this deponent, nor was the same known to this deponent previous to his death: And with reference to the said assertions in page x. of the said libel, this deponent further maketh oath and saith, that he, this deponent, was not the cause of the death of the said man Sudds, as alleged in the said pamphlet, nor did the said man Sudds die from any harsh or severe treatment which he received by the orders of this deponent, but, on the contrary thereof, the said man Sudds died from natural causes, as described in the Minutes of Council, of 5th December 1826; and to the best of the knowledge, information and belief of this deponent, there was not any cry, or any application, or proposal by any person whomsoever for an inquest to be held on the body of the said man Sudds until after his burial, which took place, as this deponent believes, in the usual course of burying patients who died in the said hospital: And this deponent saith, that it was not his duty as Governor to order or direct inquests to be held concerning the deaths of persons dying violent or sudden deaths in the said colony; but this deponent most positively and expressly denies that he interfered in any way to prevent an inquest being held on the body of the said Sudds; but saith, that in consequence of some observations which appeared in the public newspapers, this deponent did convoke the Executive Council to inquire into the circumstances of his death, and that a Council was held accordingly on the 5th day of December 1826, and on some subsequent days, when witnesses were examined touching the same, for the information of His Majesty's Secretary of State for the Colonies: And this deponent saith, that the Executive Council, referred to at page v. of the said pamphlet as aforesaid, was held on the 4th day of May 1829, for the purpose of examining into the truth or falsehood of the charges contained in the letter of impeachment mentioned in the said pamphlet; and such last-mentioned Council consisted of the Venerable Archdeacon Scott, the senior member, who presided; Alexander M'Leay, Esquire, Colonial Secretary; and Colonel Lindsay, who was the military officer next in seniority to this deponent; and this deponent saith, that he was not himself present during the proceeding or deliberations of such last-mentioned Council, and that neither Chief Justice Forbes nor Colonel Stewart were members of the said Council at that time, or present on that occasion, and that Lieutenant-Colonel Dumaresq, this deponent's brother-in-law, was then in England, and was not clerk of the Council, and did not act as the Council's clerk or secretary: And this deponent saith, that the said defendant, Robert Robison, was himself examined at great length before the said last-mentioned Council, to which he alludes at page v. of the said pamphlet, as appears by the papers published by order of the House of Commons, 1st July 1830, at No. 586, to which papers he, the said Robert Robison, particularly refers in four successive pages (viz.) v. vi. vii. and viii. of the said book or pamphlet, and the said defendant must therefore have known the several allegations contained in the said pamphlet, respecting the constitution and proceedings of such Council, to be false; and this deponent further saith, that neither the said Archdeacon Scott, nor the said Mr. M'Leay, nor the said Colonel Lindsay, the persons composing the Council now alluded to, were in any way "dependents and creatures" of him, this deponent, nor had they, or any of them, received any free grants of land, except such grants to Archdeacon Scott and Mr. M'Leay as were usually granted at the time, under the authority of the Secretary of State, to the officers of the Civil Government generally, and except an allotment of ground, containing 50 acres, or thereabouts, in Elizabeth Bay, which was granted to the said Alexander M'Leay, as one of the officers of the Civil Government of the said Colony, to whom this deponent was authorized by His Majesty's Secretary of State to make grants for the purpose of erecting houses for their residence: And this deponent saith, he was informed, and believes, that this last-mentioned grant or allotment of land had been offered by this deponent's immediate predecessor to Archdeacon Scott, who had refused the same: And this deponent saith, that he did not, as in the said libel is falsely asserted, constitute himself a judge in his own cause, by indecently and illegally presiding on the occasion in question; but on the contrary, as appears by the minutes of the said Council, printed amongst the said Parliamentary Papers, dated 1st July 1830, No. 586, this deponent stated, that as the said matter related personally to himself, he declined takingany part in the inquiry, and accordingly retired: And this deponent further maketh oath and saith, that Alexander Lockage, *alias* Edwards, who is mentioned in the said libel, was a convict who had escaped from New South Wales before this deponent assumed the government of that colony, and had settled at the Cape of Good Hope, where he had been convicted of a fresh offence, and sentenced to be again transported to New South Wales, where he was detained by this deponent, as his duty required, but with no unnecessary harshness or severity, and, on the contrary, great indulgence

indulgence was shown him, until he suddenly and secretly quitted the place appointed for his residence, preparatory to his again absconding from the colony, of which intention this deponent had positive proof, by a letter under the hand of the said Alexander Lockage, *alias* Edwards; and the said Alexander Lockage, *alias* Edwards, was thereupon sentenced by the magistrates to be transported to such penal settlement as this deponent should appoint (there being at the time two penal settlements, one at Moreton Bay, and the other at Norfolk Island; and this deponent directed that the said Alexander Lockage, *alias* Edwards, should be sent to Norfolk Island, as being from its insular situation the only settlement where there was any chance of securing his person, the prisoners at Moreton Bay frequently effecting their escape from thence; and with reference to the act of suicide, of which the said Alexander Lockage, *alias* Edwards, was guilty, this deponent saith he has been informed and believes, that the said Alexander Lockage, *alias* Edwards, attempted to destroy himself at the Cape of Good Hope on his being apprehended after he had escaped from the police, and that he afterwards attempted to poison himself on board the Phœnix hulk in the harbour of Sydney, when under sentence of transportation to Norfolk Island, and that he hanged himself in his hut on the night of his arrival at that settlement: And this deponent positively denies that the said Alexander Lockage, *alias* Edwards, committed suicide from any conduct of this deponent's towards him, other than such conduct as this deponent was bound to hold by his official duty as Governor, in order to prevent his effecting his escape from the colony a second time: And this deponent further maketh oath, and saith, that during the period this deponent was Governor of the said Colony, he did not cause any person or persons whatsoever to be indicted for any misdemeanor or misdemeanors whatsoever, without there being good and sufficient cause for preferring such indictment or indictments, as in the said libel is imputed to have been done by this deponent; but, on the contrary thereof, all indictments for misdemeanors, and all other criminal proceedings whatsoever, which during the time aforesaid were preferred or took place in the said colony, were tried and conducted in the usual manner, and according to the usual course of justice in the said colony, and without any improper interference of this deponent: And this deponent further maketh oath, and saith, that during the period which this deponent was Governor of the said colony, he, this deponent, was not guilty of any act of fraud, tyranny or corruption, and that the said imputation of fraud, tyranny and corruption on the part of this deponent, in the said libellous pamphlet contained, is utterly false and unfounded: And this deponent further maketh oath, and saith, that at the time at which he, this deponent, granted leave of absence to Major Gillman, who is named in the seventh page of the said libel, he, the said Major Gillman, was labouring under a very severe illness, and was in a bad state of health, of which this deponent received the usual medical certificate, and that the said Major Gillman never recovered his health from that time unto his death; and further, that although Major Hartley, the officer named in the same page of the said libel, might have been suffering at the time in question from rheumatism or some other complaint of that nature, this deponent saith, that the health of the said Major Hartley was not considered by the medical board by which he was examined to be at that time such as to render it necessary that he should return home: And this deponent has been informed and believes, that the said Major Hartley afterwards married and went to join his regiment in India: And this deponent further maketh oath, and saith, that he, this deponent, did not in any way secretly or otherwise interfere with or influence the committal or acquittal of Captain Wright, as by the said libel is alleged; but that on the contrary thereof, the prosecution of the said Captain Wright was abandoned by Mr. Wentworth, who had commenced the said prosecution, and that the said prosecution was not secretly or otherwise interfered with by this deponent; and that he, this deponent, did not in any way unlawfully procure the discharge of the said Captain Wright: And this deponent further maketh oath, and saith, that he, this deponent, did not dismiss Captain Steel, named in the said libel, without assigning to the said Captain Steel any reasons for such dismissal, and without allowing the said Captain Steel to make any explanation or defence, as is stated in the said libel; and that he, this deponent, did not immediately appoint a person who was addicted to inebriety, and who was unfit to fill the office, but on the contrary, that the said Captain Steel was in the exercise of his duty as principal gaoler at Sydney, when this deponent left the colony: And further, that it appears by a public document, called the "Blue Book for 1831," received at the Secretary of State's office from New South Wales, and this deponent verily believes, that Mr. Steel was dismissed on the 6th of November 1831, and succeeded by Mr. Murray, the superintendent of the Hulk, this deponent having embarked and left the colony on the 22d of the preceding month, at which time no charges, secret or otherwise, had been received by this deponent against the said Captain Steel: And this deponent further maketh oath, and saith, that he, this deponent, did not make an additional grant of land to the "Speaker," and that the averment to that effect contained in the said libel is utterly false and untrue; and that the Speaker, Mr. Justice Dowling, being the person alluded to, received land only in the same proportion as the officers of the Civil Government: And this deponent further maketh oath, and saith, that he, this deponent, did not ever try to influence the Judges, or to prevent justice by any latent intimidation, or by any grant of land or convict labour; and that the statement to that effect in the said pamphlet contained is utterly false and untrue: And this deponent further maketh oath, and saith, that Mr. Shelly, named in the said libel, did not, according to the best of this deponent's knowledge, information or belief, ever attempt his own life, although it is true that he, the said Shelly, did make a violent assault upon this deponent, being armed with a brace of loaded pistols and a large knife hid under his coat: And this deponent saith, that he never did, by any tyranny on the part of him

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this deponent, drive any one to madness or destruction; and further, that he, this deponent, did not, as is alleged in the said libel, ill-treat Weller, Shelly and Sellwood, therein named, or any of them, or by any undue or improper conduct on this deponent's part influence or compel the said Weller, Shelly and Sellwood to return home, but on the contrary thereof, that all the allegations of such misconduct on the part of this deponent, as in the said pamphlet contained, are utterly false and untrue: And this deponent further maketh oath, and saith, that he, this deponent, did not invent the system of giving additional grants to those who had improved their first grants, that system having been established by His Majesty's Government before this deponent assumed the administration of the said colony; and further, that he, this deponent, did not take care to enable his friends to improve their grants by assigning to them an excessive quantity of convict labour; but, on the contrary, this deponent established a board shortly after his arrival in the colony for the more equal distribution of the convicts' labour, being anxious to relieve himself from so invidious a duty: And further, that he, this deponent, did not, with cunning and intrigue, cajole the King's Ministers, or attempt to do so; and further, that the Mrs. Clarke mentioned in the said pamphlet, was not at any time a friend or tutoress of him this deponent, but on the contrary thereof, that he, this deponent, had never the slightest knowledge of or acquaintance with the said Mrs. Clarke, nor did he ever hold any communication or correspondence with her, or even see her, to his knowledge: And this deponent further maketh oath, and saith, that he, this deponent, did not attempt to ruin the bank of New South Wales, but, on the contrary thereof, afforded it every assistance in his power, by having on two several occasions authorized advances from the public treasury to a large amount on loan, by which the said bank was enabled to go on, although it had on one occasion in fact, though not avowedly, suspended its payments: And this deponent further maketh oath, and saith, that he never did disregard the well-being of the convicts in the said colony, but did, on the contrary, at all times, promote and advance the same to the utmost of his skill and ability; nor was this deponent ever guilty of oppression to any of that class of the population of the said colony, or of conduct towards individuals among them, more rigorous than was required, according to the best of this deponent's judgment, by his public duty as Governor of the said colony: And this deponent saith, that with regard to M'Hue, who is stated in the said libel to have been one of the most inoffensive men in the colony, it appears by official documents, laid before the House of Commons, that this deponent verily believes, that he, the said M'Hue, had been, on the 16th of February 1822, tried and convicted in Sydney for receiving stolen goods, and sentenced to re-transportation to a penal settlement, but was pardoned by this deponent in the year 1826, and brought to Sydney, and soon thereafter sentenced for misconduct to the tread-mill; and that in the year 1828, he was implicated in the robbery of the Bank of Australia, which was to a very large amount: And this deponent saith, that for facilitating the discovery of the other persons concerned in the said robbery, it was deemed advisable that the said M'Hue should be removed from Sydney, in order to prevent his having communication with such other persons, and that the said M'Hue was therefore sent to Moreton Bay, not as under sentence of re-transportation, but as a prisoner in the ordinary service of the Crown, as stated in a letter addressed by the Colonial Secretary, dated the 9th day of January 1829, to the commandant of that settlement: And this deponent further maketh oath, and saith, that he, this deponent, never did, as is falsely asserted in the said libel, judicially or otherwise, interfere with the course of justice in the said colony of which he, this deponent, was Governor, or menace the judges or magistrates of the said colony, or by any means whatsoever, as Governor of the said colony or otherwise, instigate or persuade the said Sir George Murray, or any other person or persons, to any act or acts of tyranny, or other illegal conduct whatsoever: And this deponent further saith, that the said book or pamphlet throughout abounds in allegations, statements, charges and imputations which greatly affect the character and reputation of this deponent, and which said allegations, statements, charges and imputations are utterly false and untrue: And with reference to the said affidavit sworn by the said defendant on the 22d day of January last, this deponent saith, that it is not true, as stated in the said affidavit, that the said defendant was appointed to the command of a corps of out-pensioners of Chelsea Hospital, or that the said defendant was removed from the command of the said corps by order of this deponent, or that the greater part of the said defendant's own company was given to the care and charge of junior subaltern officers of the Line, for which those officers received extra colonial pay and allowances; for this deponent saith, that the said out-pensioners were not raised as a corps, but in three companies, and that the said defendant was the second only in rank and seniority of the three captains who were appointed to the said three companies; so that there could be no just ground or pretence for the said defendant to consider the said three companies as a corps, or to claim for himself the command thereof: And this deponent saith, that Captain Darey, who was junior to the said defendant, arrived in the said colony with part of the said three companies, and was sent with his own company to Van Diemen's Land previous to the arrival of the said defendant, and was never under the command of the said defendant in the said colony: And this deponent saith, that at the time of the said defendant's sailing from England with the remainder of the said three companies, Lieutenant-Colonel Dumaresq, who had been appointed to one of them, and was senior to the said defendant, was employed upon the staff of this deponent, and continued to be so employed after the said defendant's arrival, which took place in or about the month of October 1826; and for that reason only the said defendant had the temporary charge of the said two companies in

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the absence of the said Lieutenant-Colonel Dumaresq, until the twenty-fifth of the same month of October, when Colonel Dumaresq's company was ordered to act indepedently under the senior subaltern: And this deponent further saith, that agreeably to the purposes for which the said veteran companies had been raised, a considerable portion of the soldiers belonging thereto were distributed in small numbers among the several scations where convicts were employed, for the purpose of serving as superintendents or overseers, and were therefore necessarily separated from their officers: And this deponent saith, that the persons under whom such soldiers were employed as superintendents or overseers as aforesaid, were in some instances civilians, and were in other instances officers of the Line, some of whom were junior to the said defendant; but this deponent denies that any of the said junior subaltern officers received any extra pay or allowances for such employment of the said soldiers, other than such as they had received and been entitled to previous to such employment of them: And this deponent saith, that the reports made by the said defendant to this deponent of the complaints of the soldiers under the said defendant's command were not treated by this deponent with neglect, as is untruly alleged by the said defendant in his said affidavit, but that, on the contrary, all such reports and complaints were properly inquired into; and in all cases in which the same appeared to this deponent to be well founded, the irregularities complained of were checked and redressed according to the best of this deponent's judgment: And this deponent further saith, that the employment of the said soldiers in military duty was not in contravention of the proclamation under which they had been embodied, the said proclamation declaring that the said soldiers were to be employed as superintendents and overseers of convicts, in addition to their military duty: And this deponent further saith, he admits that several officers were appointed by him to civil situations, and that the said officers received their full pay in addition to their civil salaries; but this deponent denies that such proceedings were in violation of the articles of war and the King's regulation; but, on the contrary, this deponent saith, that such appointments are frequently made under the immediate sanction of the civil and military authorities in England: And this deponent saith, that the proceeding before the magistrates respecting the said defendant having opened a mail-bag, was a proceeding of inquiry only for the information of the colonial government, and that the same having been subsequently made a charge against the said defendant before the general court-martial, the said defendant was thereupon found guilty of having in an unauthorized and unwarrantable manner caused the said mail-bag to be opened: And this deponent further maketh oath, and saith, that in causing the said defendant, Robert Robison, to be tried by a court-martial, this deponent was not actuated by any malicious or personally vindictive motives or feelings against the said defendant, Robert Robison, but solely by a desire to maintain discipline and subordination in the colony, and in His Majesty's service; and that the charges preferred against the said defendant, Robert Robison, were well founded, and that the persons nominated by this deponent to constitute the said court-martial, were in this deponent's judgment and belief the most fit and unexceptionable, from their rank and experience in the service, that could be found, and that such persons were named without any unfavourable bias towards the said defendant, Robert Robison: And this deponent saith, that the said defendant was not detained in the said colony by this deponent after the said court-martial, any longer than was necessary, according to the regulations of His Majesty's army; and that the said defendant was not, during such detention, under any constraint or privation, other than the necessary suspension from military duty: And this deponent saith, that according to the best of his knowledge, recollection and belief, he did not prepare the reply of the Judge-Advocate on the said court-martial to the said defendant's defence, or any part thereof: And with reference to defendant's allegation, that officers were improperly selected for his trial by the said court-martial, this deponent further maketh oath, and saith, that the said court consisted of nine members besides the Deputy Judge-Advocate, whereas five members would have been sufficient to constitute the said court, and that in forming the said court this deponent was influenced solely by a sense of public duty and a regard to strict and impartial justice, and not by any hostile or vindictive feeling personal to the said defendant; and in proof thereof, this deponent says, that he addressed a letter to the officer commanding the troops at Van Diemen's Land, then consisting of the 40th Regiment, directing him to order two captains of that regiment, without naming them, to repair to Sydney, for the purpose of becoming members of the said court, and observing that as the case was one in which the discipline of the army was concerned, it was desirable that these officers should be men of experience who are well acquainted with the service; and in further proof of the care taken by this deponent to have the said court-martial composed of officers of experience, this deponent saith, that all the members of the said court, with the exception of one only, have since been promoted in consequence of their standing and seniority in the service: And this deponent saith, that the Right Honourable Robert Grant, the late Judge-Advocate General, in speaking upon this subject in the debate which took place in the House of Commons on the 11th day of July 1833, is reported to have observed, that he scarcely recollected a case in which so much care seemed to have been taken to select officers to compose the court who had been long in the service, and of equal rank with the defendant: And this deponent further saith, that the said defendant, Robert Robison, had a right to challenge or object to any member of the court-martial by which he was about to be tried, against whom he might have a fair and well-founded ground of objection, except the Judge-Advocate, who is not a member of the court, and cannot be challenged by any defendant; but the said defendant did, in point of fact, challenge and object to the Deputy Judge-Advocate, which

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challenge could not be allowed for the reason already stated; and the said defendant also objected to one member, videlicet, Captain Crotty, on the ground that such member was the intimate and particular friend of him the said defendant: And this deponent further saith, that he never had any conversation or communication whatever, direct or indirect, concerning the said court-martial with Thomas Budd, named in the said defendant's said affidavit, nor ever gave him any grant of land in the said colony, other than such as the other men of his company received on obtaining their discharge: And this deponent saith, that the said Thomas Budd, in his cross-examination before the said court-martial, admitted that he did not see this deponent on the occasion referred to, as had been untruly asserted, and consequently the said defendant, Robert Robison, must have known, at the time of swearing his said affidavit, that the insinuation therein contained, that a witness produced on the said court-martial had been tampered with by this deponent, and had been rewarded by this deponent, was false and unfounded; and with reference to the assertion in the said affidavit of an irregularity in the proceedings of the said court in receiving the evidence of a convicted felon, while still under sentence, notwithstanding the obvious dependence of such felon on the will of the prosecutor in the capacity of governor, this deponent saith, he believes that only two convicts were called as witnesses on the said court-martial, and that one of them was called by the defendant himself, and that the evidence of both of the said convict witnesses related to a point on which he, the said defendant, was acquitted: And this deponent saith, that the set of irons produced before the Executive Council in the said colony, as mentioned in the said defendant's affidavit, were the identical irons, and in the same unaltered state in which they had been put upon the said Sudds and Thompson, and were not, as the said defendant suggests, other irons of a like description, but of a different weight: And this deponent further saith, that the said defendant was not entitled by the regulations of the said colony to any grant of land whilst he was on full pay; and that the said defendant, after his said dismissal from His Majesty's service, did not, according to the best of this deponent's knowledge, recollection and belief, apply for any grant: And this deponent positively and expressly denies, that he ever did on the ground of any private or personal feeling of displeasure against any person or persons whomsoever, as is most falsely suggested by the said defendant in his said affidavit, or that he ever did from any private cause or personal motive whatever, refuse to make a grant of land to any individual who was entitled to the same, according to the regulations of the said colony; and with reference to the affidavit pretended to have been made by John Head, as stated in another affidavit, sworn by the said defendant on the said 22d day of January last, this deponent saith, that the statement herein contained, respecting the removal of the said irons from the said Thompson must be materially incorrect, for this deponent saith, that it would have been most irregular, and is utterly incredible that the Colonial Secretary should have written to the convict overseer of an iron gang, as is stated in the said affidavit; and further, that it appears by the evidence of George Plumley, the convict overseer in question, and of Mr. James Kinghorne, the Superintendent of Emu Plains, as given before the Executive Council, that the orders for the removal of the said irons from the said Thompson were given, not by the said Colonial Secretary, as stated in the said affidavit, but were given by Captain Dumaresq, the Inspector of Roads, to the said James Kinghorne, and by him to the said overseer Plumley: And this deponent submits to this honourable Court, that three grounds are alleged or suggested by the said defendant in his said affidavit, for the purpose of justifying or excusing his conduct in publishing the said libel, namely, first, that the said defendant's inability to obtain redress of his supposed grievances from the Government, justified him in making a personal attack against the character and conduct of this deponent, as means of protecting his own interests, and procuring indirectly more attention to his complaints; and secondly, that the said libel was justified as a retaliation of offensive expressions used by this deponent in despatches addressed by him, as Governor of the said Colony, to His Majesty's Secretary of State, and again in a paper printed by this deponent for the private information of certain Members of the House of Commons, on occasion of the attacks there moved against this deponent, at the instigation of the said defendant; and thirdly, that the said libel was justifiable as a continuation of a public discussion, first provoked by this deponent upon a matter of public interest: And this deponent humbly submits to this honourable Court, that the said three grounds of vindication are not consistent with each other, and that the same cannot, nor can any of them, be admitted as a justification of the said libel, and that the first of the said three grounds in particular is an aggravation of the offence, inasmuch as it admits the said defendant to have been actuated by views of advancing his own private and personal interests at the expense of this deponent; and as to the second of the said grounds this deponent submits, that what he said or wrote concerning the said defendant on the occasions referred to were privileged communications, and such as were justified under the circumstances; and with respect to the third ground, this deponent positively denies that he first provoked any public discussion of the matters in question: And this deponent submits, that the reiteration by the said defendant in his said affidavit of so large a mass of the false and offensive matter contained in the said libel, is an aggravation of the injury done to this deponent by the original publication thereof: And this deponent further saith, that since the publication of the said libel by the said defendant, articles or paragraphs have appeared in various newspapers and other periodical publications, and many of them since this indictment was preferred, calling attention to the libellous charges and accusations set forth in the said indictment, or some of them; and this deponent has been called upon and provoked by such last-mentioned publications, or some of them, to answer the said libellous charges and accusations, and has been thereby reproached and reviled

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reviled for not having answered the same, and for having preferred this indictment, instead of proceeding by applying to this Court for leave to file a criminal information against the said defendant: And this deponent saith, that such publications as last aforesaid have appeared in the "Naval and Military Gazette" of the 30th November 1833, being the second day after the publication of the said libel; and in the same Gazette of the 28th of December 1833; in the "Political Soldier" on the 4th of January 1834; "The Gauntlet" of the 12th of January 1834; "The Spectator" of the 1st of March 1834; "The Christian Advocate" of the 15th of September 1834; "The True Sun" of the 19th of September 1834, and the 3d of November 1834; "The Spectator" of the 27th of September 1834; "The Examiner" of the 14th December 1834, and "The Christian Advocate" of the 15th of December 1834: And this deponent saith, that he has good ground to believe, and he doth verily believe, that all of them have been written and published by or at the instance or with the privity of the said defendant: And this deponent saith, that this deponent's most earnest wish was to have proceeded against the said defendant by criminal information, in order that this deponent might have an opportunity of denying and contradicting, in the most solemn manner, all the said defendant's scandalous and wicked imputations; but this deponent was positively prohibited from taking this course by the assurance of this deponent's counsel, that so far from its proving the means of elucidating the truth in a case of such vague and multifarious libel as the present, relating to occurrences long past in a distant colony, this deponent would only find himself involved by it in an inextricable labyrinth of contradictory affidavits, entailing upon him much expense, vexation and delay, and which the Court would have no opportunity of investigating so as to form a correct judgment of the truth, and that it would besides be unsuitable to the character of an officer of this deponent's standing in His Majesty's service to notice otherwise than by the ordinary course of indictment, a libel of so gross a character as that published by the said defendant, relating moreover to matters which had already been made the subject of investigation, and had been disposed of by the proper constituted authorities of the State: And this deponent further saith, that it has been proposed or suggested to him, this deponent, on behalf of the said defendant, at two different times during the pendency of this indictment, that this deponent should employ some influence, which the said defendant supposed this deponent to possess at the Horse Guards, for procuring the said defendant's restoration to his rank and half-pay; and it has been intimated to this deponent that the said defendant's attacks against this deponent will never cease until such the said defendant's object of restoration to his rank and half-pay shall have been effected: And this deponent saith, he is, and always has been, ready and willing to answer any charges that can be ~~proferred~~ against him before any competent authority, upon a case properly made out, to call for or justify an inquiry into the same; but this deponent has been advised that the charges brought against him by the said defendant are not charges of that description, but are unfounded, malicious and libellous imputations, calling only for punishment upon the author of them.

R. Darling.

Sworn at Cheltenham aforesaid, this 29th day of May 1835, before me, } *W. H. Gurnnett,* A Commissioner, &c.

Copy of the JUDGMENT of the COURT.

(In the King's Bench, Middlesex.)—*The King* against *Robert Robison.*

Monday the 15th day of June, in the fifth year of the reign of King William the Fourth.

Judgment of the Court.

The defendant being present here in Court, and being by a jury of the country convicted of certain misdemeanors in printing and publishing certain scandalous libels, whereof he is indicted, upon reading the several affidavits of the defendant, John Robison; John Staples; Stephen Lushington, Doctor of Civil Law; Joseph Hume, esq., and the several printed papers thereby referred to; Henry Lytton Bulwer, esq.; the said defendant, and a paper writing thereby referred to; and James Hertslet, esq., with the affidavit of Saxe Bannister thereto annexed; and of Ralph Darling, esq., a Lieutenant-General in His Majesty's service; Thomas Hobbes Scott, clerk; Jonathan Scollick, esq.; Richard Cannon, esq.; George Frere, gentleman, and Thomas De la Condamine, esq.; and upon hearing Sir Frederick Pollock, of counsel for the prosecutor; and Mr. Erle, of counsel for the defendant: It is considered and adjudged and ordered by the Court here, That for his offences aforesaid, the said defendant be imprisoned in the custody of the Marshal of the Marshalsea of this Court, for the term of four calendar months now next ensuing: and the said defendant is now here in Court committed to the custody of the said Marshal, to be by him kept in safe custody, in execution of this judgment.

By the Court.

—No. 3.—

Appendix, No. 3.

THE following PARLIAMENTARY PAPERS relating to the matters in question were referred to in the course of the Evidence and Proceedings before the Committee.

NEW SOUTH WALES.—COPIES of PAPERS relating to the Conduct of Magistrates in *New South Wales*, in directing the Infliction of Punishments upon Prisoners in that Colony. (Ordered, by The House of Commons, to be printed, 18 April 1826.—Sess. Paper, No. 277.)

NEW SOUTH WALES: PENAL SETTLEMENTS.—COPY of the INSTRUCTIONS issued by the Governor of *New South Wales* for the Regulation of the Penal Settlements. (Ordered, by The House of Commons, to be printed, 30 March 1832.—Sess. Paper, No. 335.)

NEW SOUTH WALES.—COPIES of GENERAL ORDER issued by the Governor, and of Correspondence respecting the Conviction of Privates *Joseph Sudds* and *Patrick Thompson*, of the 57th Regiment. (Ordered, by The House of Commons, to be printed, 14 July 1828.—Sess. Paper, No. 538.)

NEW SOUTH WALES.—PAPERS explanatory of the CHARGES brought against Lieut.-Gen. *Darling*, by *William Charles Wentworth*, Esq. (Ordered, by The House of Commons, to be printed, 1 July 1830.—Sess. Paper, No. 586.)

NEW SOUTH WALES: JOSEPH SUDDS.—A RETURN of all the LETTERS addressed by the Right Hon. the Secretary of State for the Colonies, in reply to Governor *Darling*'s Despatches, relative to the Punishment and Death of Private *Joseph Sudds*, late of His Majesty's 57th Regiment, dated 4th & 12th December 1826, and 20th April and 28th May 1829;—Also, for the portions of Mr. *Wentworth's* Letter of Impeachment which have been omitted in the Returns laid upon the Table of The House on 1st July 1830. Ordered, by The House of Commons, to be printed, 20 July 1832.—(Sess. Paper, No. 620.)

NEW SOUTH WALES VETERAN COMPANIES.—PAPERS relating to the New South Wales Veteran Companies. (Ordered, by The House of Commons, to be printed, 20 July 1832.—Sess. Paper, No. 625.)